

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4711 of 2017

Mohammad Yusuf Ansari @ Sikandar, S/o. Mohammad Kari Akamuddin,
Aged About 25 Years, R/o. Village Datima, Police Chowki- Karanji, Police
Station Bishrampur, Tahsil & District- Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Police Chowki- Karanji, Police
Station- Bishrampur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Atanu Ghosh, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.07.2017

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 179/2016 registered at Police Chowki- Karanji, Police Station- Bishrampur, District Surajpur (C.G.) for the offence punishable under Section 147, 294, 506-B & 307 of Indian Penal Code. The first bail application was dismissed on merit on 17.11.2016 in MCRC No.7054 of 2016 and second bail application was also dismissed on merit on 28.04.2017 in MCRC No.2482 of 2017.
2. Case of the prosecution, in brief, is that on 09.08.2016 a report was made by the complainant Halima Bibi that when she along with her family members was constructing the house in Khasra No.12/3, at that time the applicants who are related to them came there by Tata Sumo bearing registration No.CG 15-B 2093 and objected about such construction. Applicant No.1 Mohamad Kari

Akimuddin assaulted Halima Bibi by way of brick and other applicants also assaulted her by hands and fists. Subsequently, applicant No.2 Mohamad Yusuf Ansari @ Sikandar with intention to kill her tried to crush the victim by vehicle and she avoided the same and one tyre of the said vehicle went over her right leg and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant would submit that out of 18 witnesses, 7 witnesses have been examined and few of them have not supported the case of the prosecution; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier bail rejection orders. Considering the same and nature of allegation against the applicant, I do not find any change of circumstances to entertain this second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed. However, the trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge