

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6309 of 2017**

1. Abdul Sattar @ Chunna S/o Abdul Rahoof, Aged About 40 Years
2. Abdul Jabbar S/o Abdul Gafoor, Aged About 60 Years

Both R/o Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh Through P.S. Tumgaon, District Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Ms. Sharmila Singhai, Advocate
For Respondent-State	:	Shri Neeraj Sharma, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order****27/10/2017**

1. This is the second bail application. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 87/2009 registered in Police Station Tumgaon, Distt. Mahasamund (C.G.) for offence punishable under Section 365/34 of Indian Penal Code.
2. The First bail application bearing M.Cr.C. No.4165/2017 was dismissed on 11.08.2017.
3. As per the prosecution case, a report was made by Israr Ali on 11/02/2009 who was resident of U.P. It was alleged that from 21/09/2008 his son Maiku @ Najeer Ahmed was missing. It is case of the prosecution that Maiku was working with one Munna and Chunna Kabadi @ Abdul Sattar and they were

involved in some illegal activities. Subsequently, Maiku @ Najeer Ahmed left such company and thereby Abdul Sattar @ Chunna was pressurizing him to join back which led into dispute and Maiku @ Najeer Ahmed was assaulted. Subsequently at some point of time thereafter his father Israr Ali came to Raipur and intervened wherein Abdul Sattar, Abdul Jabbar along with other co-accused has interacted to have settled the dispute. Subsequently, while Maiku was going to again join them and while he was at Mahasamund, he went along with applicants and others which was seen by Ramjan Ali and Muktaruddin near Saraipali while he was going in Bolero Car. Thereafter, Maiku was missing his whereabouts were not known. His father subsequently who was resident of UP filed an FIR on 11/02/2009. Thereafter, investigation started.

4. Learned counsel for the applicants would submit that subsequently few of the applicants have been enlarged on anticipatory bail bearing M.Cr.C. (A) No.747/2017 by the co-ordinate Bench of this Court and one Kumar Alendra Kerketta (PW-5), Mukhtaruddin (PW-3), Mirhaj Ahmad (PW-4) & Vedram Bhaskar (PW-7) has been examined and nothing has been attributed to the present applicants, therefore, they may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have perused the record. The evidence would reveal that while the missing person Maiku @ Nazeer Ahmad was being taken away, it was seen by one Ramjan Ali. Further the statements of the Alendra Kerketta (PW-5), Mukhtar Uddin (PW-3), Mirhaj Ahmad (PW-4) & Vedram Bhaskar (PW-7) has been placed on record. By picking up few of the statements of the witnesses, it would not be proper for this Court usurp the power of the trial Court, as it will amount to adjudication of the case on merits. Considering

the facts of this case, I do not find any change of circumstances to reconsider this repeat bail application within a short span of time. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu