

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 368 of 2018

- Mujahid Ansari S/o Aanwarul Huqe, aged about 59 years Caste-Muslim, R/o Barbaspur, Nawapara, P. S. Pratappur District Surajpur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through District Magistrate, Durg, Chhattisgarh., Chhattisgarh

----Respondent

For Applicant	:	Shri AK Prasad, Advocate
For Respondent/State	:	Ms M Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board

09.02.2018

- 1) This is the second bail application under Section 439 of the Cr.P.C., preferred by one of the applicants before this Court and no bail application is pending before any other Court.
- 2) The learned Panel Lawyer produced the case diary of Crime No.68 of 2017 registered in Police Station Jashpur, Distt- Jashpur (CG) for offences punishable under Sections 147, 307 and 364 of the IPC.
- 3) Prosecution story, in brief is that on 24.03.2017 at 9 pm, complainant Jyoti Prakash Singh was supervising the work of

contractor Rajnikant Singh. At that time, 14 to 15 persons reached there in a Bolero vehicle. They demanded key of the Roller and Pekar. During conversation, co-accused Diklesh Netam, Manveer Ram Lakda, Anil Gupta, Maksood Ahmad, Nawaj Hussain and the present applicant abused the complainant. Co-accused Diklesh caused injury by knife on the abdomen of the complainant. Other co-accused beat him by hands, fists and hockey sticks. After beating the complainant, they took him in the said vehicle and threw down near a petrol pump at Bagicha.

4) Heard the learned counsel for the parties.

5) Shri AK Prasad, the learned counsel for the applicant argued that Dr RN Dubey (PW-1) had stated that no injury was dangerous to life of the complainant and the alleged eyewitness Tej Prakash Singh (PW-3) has not supported the prosecution story. He further argued that the accused/applicant is in jail for near about nine months. Therefore, the applicant may be released on bail.

6) On the other hand, the learned Panel Lawyer opposed the bail application.

7) Earlier, first bail application of the applicant has been dismissed by this Court on 02.11.2017. In the medical report, Dr RN Dubey (PW-1) opined that injuries are life threatening, if not treated properly.

8) Looking to the facts and circumstances of the case, this Court finds that there is no material change in the circumstances, which may entitle the present applicant- Mujahid Ansari to get the benefit under Section 439 of the Cr.P.C., in this second bail application.

9) Consequently, this second bail application of applicant- Mujahid Ansari is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge