

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1420 of 2018**

1. Mohamad Irfan, S/o. Mohamad Ismile, Aged About 22 Years,
2. Mohamad Sahid Alias Balti, S/o. Sekh Usman, Aged About 21 Years,
Both R/o- Islam Nagar, Ward No. 04, Supela, Bhilai, Police Station-
Supela, Tahsil and District- Durg, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- The Police Station- Bhilai Nagar, District-
Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jitendra Gupta & Mr. Tarun Dadsena, Advocates
For State/respondent	: Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.554/2017, registered at Police Station – Bhilai Nagar, District – Durg (C.G.), for the offence punishable under Section 302/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case only for the reason that they are related to the other co-accused persons. According to the

prosecution case, there is no evidence against both these applicants. Applicants are in jail since 18.11.2017. Therefore, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. According to the memorandum statement given by the co-accused Mohd. Javed and Salman Kurashi participation of both the applicants in commission of offence is clearly made out. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case of the prosecution, Parveen Bano had dispute with Atik Ahmad because of which he was threatened with dire consequence. On the date of incident, it is alleged that Mohd. Javed along with these applicants and other co-accused persons assaulted the deceased Sarik Ahmad and thrashed him with fists and shoes causing fatal injuries to him. According to the postmortem report, the deceased died due to head injuries. After investigation, now the case is before the trial Court.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, no memorandum statement of both the applicants have been recorded and also after perusal of the case diary statement of the witnesses in this case, this Court is of the opinion that present is a fit case, in which, the both the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram