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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2114 of 2018**

1. Gaffar Khan @ Ghassu S/o Jabbar Khan Aged About 42 Years R/o- Village- Pandripani, P.S.- Bilaigarh, Civil And Revenue District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Abdul Nasir Khan @ Sonu S/o Majeed Khan Aged About 29 Years R/o- Village- Pandripani, P.S.- Bilaigarh, Civil And Revenue District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- Police Station- Bilaigarh, Civil And Revenue District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3342 Of 2018**

Raja @ Kalaam Khan @ Raza S/o Laal Khan Aged About 22 Years R/o- Village- Pandripani, P.S. Bilaigarh, Civil And Revenue District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- Police Station- Bilaigarh, Civil And Revenue District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicants : Shri Adil Minhaj, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.06.2018**

1. Both these applications are being decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them who have been arrested in connection with

Crime No.50 of 2015, registered at Police Station Bilaigarh, District Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 294, 147, 148, 452, 323 (20 counts)/ 149, 506 part-II and 302/149 of the Indian Penal Code.

2. Learned counsel for the applicants submits that he does not want to press the application of applicants – Gaffar Khan @ Ghassu in M.Cr.C. No.2114 of 2018 and Raja @ Kalaam Khan @ Raza in M.Cr.C. No. 3342 of 2018. Hence, on the basis of the submissions made on behalf of both applicants – Gaffar Khan @ Ghassu in M.Cr.C. No. 2114 of 2018 and Raja @ Kalaam Khan @ Raza in M.Cr.C. No. 3342 of 2018, their applications are rejected.

3. Learned counsel for the applicants submits that applicant – Abdul Nasir Khan @ Sonu in M.Cr.C. No. 2114 of 2018 is in jail since 28.8.2017 and has been falsely implicated in this case. Another ground which is raised is that the son of this applicant aged about 4 years is suffering from Mid Penile Hypospadias for which he has been operated thrice in Raipur and once in Lok Nayak Hospital, New Delhi, further, the surgery has been advised for which this applicant is required to be present and make arrangements. Hence, it is prayed that applicant – Abdul Nasir Khan @ Sonu be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the arguments submitted in this respect. It is submitted that serious charge of murder is levelled against the applicant. Hence, applicant – Abdul Nasir Khan @ Sonu is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the election result of Panchayat was declared, in which the candidate supported by the applicants' party had lost the election. A quarrel took place between the supporters of the losing candidate and the supporters of the winning candidate. It is alleged that the accused persons in this case assaulted the members of the party of the winning candidate with clubs and also hurled stones because of which, one Faguram sustained fatal injuries who died after a week during the course of treatment. Hence, this case.
6. The name of applicant – Abdul Nasir Khan @ Sonu has not appeared in the FIR and it has first appeared in the statement of the witnesses under Section 161 of the Cr.P.C. Further, looking to the necessity of this applicant to fulfill his responsibility towards his son, I am of the considered opinion that applicant- Abdul Nasir Khan @ Sonu deserves to be released on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. of applicant – Abdul Nasir Khan @ Sonu in M.Cr.C. No. 2114 of 2018 is allowed.
8. It is directed that applicant – Abdul Nasir Khan @ Sonu in M.Cr.C. No.2114 of 2018 shall be released on bail on 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 his appearance as and when directed. In case

any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

9. It is informed that the case against the applicants is pending since 2015 and the trial is still not concluded. Hence, the trial Court is directed to expedite the trial and conclude the same preferably, as far as practicable within a period of three months from the date of receipt of the copy of this order.

Sd/-

(Rajendra Chandra Singh Samant)
Judge