

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6497 of 2017

Wasim Pasha S/o Saiyyad Zahid Hussain, Aged About 22 Years
R/o Gousiya Chowk Sanjay Nagar Raipur Police Station Moudha
Para Raipur Chhattisgarh Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Of Police Station Moudha
Para Raipur Chhattisgarh.

---- Respondent

For applicant - Smt. Fouzia Mirza, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/04/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 20/09/2016 vide M.Cr.C. No.5672 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.45/2016 registered in Police Station Moudha Para Raipur (C.G.) for offence punishable under sections 302, 34 of IPC and Sections 25 & 27 of Arms Act.
3. As per the prosecution case, on 31/03/2016 at about 9.15 pm, the applicant alongwith one Mohd. Tanjil Raza @ Monu and Abid Khan went to Sumit Raxel where some altercation took place between Sumit Raxel and Mohd. Tanjil Raza and Mohd. Tanjil Raza fired a bullet shot at Sumit Raxel whereby he died and thereby the aforesaid offence has been committed.
4. Learned counsel for the applicant on the ground of mental illness of the applicant prays for release of the applicant on bail.
5. Learned State counsel opposes the prayer for grant of bail.

6. Pursuant to the order dated 4/01/2018 report from the 8th Additional District and Sessions Judge, Raipur is received. Court after examination has given report that there is no active psychopathology and it is observed that in the counter case when evidence of the applicant was recorded wherein he has given his deposition and he has been shown to be of healthy mind and has given his evidence.

7. In view of this, I do not find any change of circumstances to reconsider the bail again on the medical ground of mental sickness.

8. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE