

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6716 of 2019**

- Ajmullah Ansari S/o Late Amanat Hussain, aged about 32 years, R/o Chhatarpur, P.S. - Chhatarpur, District Palamu (Jharkhand)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station – Pasta, District Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant. : Shri A.N. Pandey, Advocate.
 For Respondent. : Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12/12/2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 29.08.2018 in connection with Crime No.35/2018 registered at Police Station : Pasta, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 302 IPC and 35 & 27 of Arms Act.
2. The prosecution story, in brief, is that on 14.07.2018, the dead body of deceased Bhola Kumar Sao was found within the jurisdiction of police station Latehar and, on the very day, the dead body of deceased Sagufta Parveen was found in Kanda Forest, Police Station Pasta. Both dead bodies were found in injured condition. Near the dead body of deceased sagufta Parveen, one empty cartridge was seized. It is alleged that appellant and other-co-accused hatched conspiracy to kill deceased Bhola Kumar Sao and Sagufta Parveen and in furtherance to the conspiracy, they killed

deceased Bhola Kumar Sao and Sagufta Parveen.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also submits that the main accused is Sagir Ansari in whose memorandum statement the name of present applicant find place, therefore, the police has arrested the present applicant and made an accused. It is next submitted that the applicant is in jail since 29.08.2018, the charge sheet has been filed, there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.
4. On the other hand, State counsel opposing the bail application submits that the present applicant Ajmullah Ansari is the main accused in the crime. He also submits that on the memorandum of the present applicant, one country made pistol has been seized from the applicant, and according to the FSL report, the empty cartridge which was found at the place of incident, was fired from the pistol seized from the present applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the FSL report, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge