

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 170 of 2020**

1. Mohd. Asif S/o Late Mohd. Farukh Aged About 27 Years R/o House No. Lig - 117, Housing Board Colony, Sejbahar, Police Station Mujgahan, District Raipur, Chhattisgarh.
2. Mohd. Yasin S/o Late Mohd. Farukh Aged About 24 Years R/o House No. Lig 117, Housing Board Colony, Sejbahar, Police Station Mujgahan District Raipur, Chhattisgarh.

**---- Applicants****Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Mujgahan, District Raipur, Chhattisgarh.

**---- Respondent**


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| For Applicants       | : | Mr. Rajeev Shrivastava, Adv. |
| For Respondent/State | : | Mr. Sameer Sharma, Dy. G.A.  |
| For Objector         | : | Mr. Devershi Thakur, Adv.    |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****13/03/2020**

1. Earlier applicant No. 1 Mohd. Asif was granted interim bail vide order dated 21.01.2020 in MCRC No. 170/2020 from 01.02.2020 to 10.02.2020, and he was directed to surrender on 10.02.2020 by 11.00 AM. Learned counsel for the applicant submits that the applicant surrendered on 10.02.2020.
2. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 155/2017 registered at Police Station - Mujgahan, District-Raipur (C.G.) for the offence punishable under Sections 341, 302 and 302/34 of the IPC.
3. The prosecution story, in brief is that, complainant lodged a report that on 15.06.2017 when complainant along with

Bablu alias Irfan was coming back from his father's house by Car bearing registration No. M.P. 28-BD-4488 when they reached near about Datrenga Road then two unknown persons came there by motorcycle and stopped their motorcycle in-front of the said car, to see that Bablu alias Irfan cried Asif and at that time, Asif shoot the Bablu alias Irfan on his head due to this, Bablu alias Irfan died on the spot. Based on this offence has been registered against the present applicants.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the evidence of sole eye-witness namely Rajeev Bhosle has been recorded, and he has refused to identify the applicants. He next submits that the applicant No. 1 Mohd. Asif is in jail since 24.06.2017 in and applicant No. 2 Mohd. Yasin is in jail since 17.06.2017, there is no likelihood of his case being decided in near future, therefore, the present appellants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. Learned counsel for the objector opposes the bail application and submits that the applicants committed murder and they are identified so, the present applicants may not be granted benefit of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release them on bail.
9. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-  
(Rajani Dubey)  
Judge**

