

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 27-10-2020Order delivered on 02-11-2020MCRC No. 5744 of 2020

1. Yushuf Ansari S/o Late Hatim Ansari, Aged About 70 Years R/o Sakin Chakeri, Chowki Kedma, Police Station Udaypur, District Surguja Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Udaypur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	Mr. Rajnish Singh Baghel, Advocate
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For Respondent /State	Mr. Gagan Tiwari, Dy. Govt. Advocate
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(Proceedings through Video Conferencing)Hon'ble Mr. Justice Prashant Kumar MishraCAV Order

1. Heard.
2. The applicant has preferred this bail application for grant of bail as he has been arrested in connection with Crime No.97/2019, registered at Police Station – Udaypur, District Surguja, for the offence under Section 323 & 302/34 of the Indian Penal Code.

3. Applicant and other accused persons have allegedly committed murder of Jamila Khatoon (since deceased) at about 1.00 pm on 22-10-2019.
4. As per the material available in the case diary, the accused party and the deceased party have adjoining fields. The accused persons were trying to encroach on the land belonging to the deceased party, therefore, when at about 1.00 pm on the date of incident the accused party were working in the field belonging to the deceased party, Kasim Ansari, deceased Jamila Khatoon and Qutubuddin went to the field to dissuade the accused party from working in their agricultural field and at that time an altercation took place whereafter this applicant caused axe blow over the mandible region of the head of the deceased. Co-accused Israil Ansari committed *marpeet* with club whereas co-accused Dil Mohammed Ansari & Islam Ansari were exhorting the main accused.
5. The incident has been witnessed by Kasim Ansari (Husband of the deceased), Qutubuddin (son-in-law of the deceased) and about 6-7 workers who were working in the agricultural fields.
6. Learned counsel appearing for the applicant would submit that the co-accused Dil Mohammed Ansari, Israil Ansari & Islam Ansari have been released on bail in M.Cr.C.No.1302 of 2020 (decided on 14-7-2020) and the applicant is in jail since last more than a year, therefore, he is entitled to be released on bail.
7. Learned counsel appearing for the State, per contra, would oppose the bail application.

8. Having considered the facts situation of the case, it is evident that the other accused persons who have been released on bail have not caused the fatal injury. It is this accused, who has caused the fatal injury, therefore, this Court is not inclined to grant bail to the applicant.
9. Accordingly, the bail application is rejected. However, it will remain open for the applicant to revive the prayer after examination of the eyewitnesses.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri