

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1709 of 2021**

1. Rahul Bharti, son of Chandrashekhar Bharti, aged 22 years, R/o Devarpara, Bhainsapasra, Balodabazar, thana-City Kotwari Balodabazar, District Balodabazar Bhatapara, Chhattisgarh
2. Javed Khan, son of Late Aabid Ali, aged about 22 years, resident of Lohiya Nagar, Balodabazar, thana-City Kotwari Balodabazar, District Balodabazar Bhatapara, Chhattisgarh

-----Applicants**VERSUS**

- State of Chhattisgarh through: police station City Kotwari, Balodabazar, District Balodabazar, Bhatapara, Chhattisgarh

-----Non-applicant

For Applicants	: Ms. Supriya Upasane, Advocate
For Non-applicant/ State	: Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****02/08/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 402/2020 registered at Police Station City Kotwari, Balodabazar, District Balodabazar (C.G.) for the offence punishable under Sections 147, 148, 149, 302, 120B of IPC and Section 25 and 27 of Arms Act.
2. Case of the prosecution is, that on 27.06.2020, at about 20:30 hours, complainant Ishwar Kurrey along with Bhagwati Yadav were walking near the house of Bhagwat. At that time, Bhagwati received a mobile call of one Suraj Vaishnav requesting him to get him connected with his mother. Upon which, Bhagwati, and complaint Ishwar Kurrey went to house of Suraj Vaishnav situated at Lohiya Nagar. Bhagwati connecting Suraj Vaishnav gave his mobile phone to his mother Laxmi Vaishnav. Talking on mobile phone she went inside the house. At that relevant time, Iqbal Khan, Shahrukh Khan, Javed Raza and Rahul Dewar came there and started assaulting Bhagwati. Iqbal and Shahrukh gave knife blow to Bhagwati Yadav due to which he

succumbed to the injuries suffered by him. Accident was reported to concerned police station based upon which instant crime was registered against the present applicants along with other co-accused.

3. Ms. Supriya Upasane, learned counsel for the applicants submits that there is absolutely no evidence against the present applicants that they have caused injury or assaulted the deceased by means of knife or any weapon. She submits that the witnesses examined before the trial Court have not stated the name of present applicants of thier involvement in commission of crime. She further submits that co-accused Suraj @ Vikram Vaishnav has been enlarged on bail in MCRC No. 6980/2020, hence the present applicants may also be granted benefit of Section 439 of CrPC.
4. On the other hand, Mr. B.P. Banjare, learned State counsel, opposes the submissions made by the learned counsel for the applicants and submits that there is specific allegation of assault to deceased by the present applicants. He read-over the contents of copy of deposition sheet of Pooja Yadav, one of the witnesses, in support of his submissions.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled and offence registered against the present applicants along with others and the evidence of Pooja Yadav placed on record, I do not find it a fit case to enlarge the applicants on bail.
7. Accordingly, the bail application is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
Judge