

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.4477 of 2021**

Arman Khan S/o Salim Khan Aged About 18 Years Chantidih, Pathan Mohalla, Behind The Mosque, P. S. Sarkanda, District Bilaspur Chhattisgarh
----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P. S. Civil Line, District Bilaspur Chhattisgarh
---- Non-Appllcant

M.Cr.C No.5199 of 2021

Akash @ Sonu @ Kodu S/o Rajendra Saundhiya Aged About 20 Years R/o Chantidih, In Front Of Soni Dharamsala, P.S. Sarkanda, District Bilaspur Chhattisgarh.
----Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Civil Lines, Tahsil And District Bilaspur, Chhattisgarh.
---- Non-Appllcant

For Applicants:	Smt Sareena Khan, Advocate.
For Non-Appllcant/State:	Dr. (Ms.) Veena Nair, Deputy Advocate General.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board through Video Conference

31.08.2021

1. The Applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.811/2020 registered at Police Station Civil Lines, District Bilaspur, C.G. for the offence punishable under Sections 302, 294, 323 and 120-B/34 IPC.

2. The case of the prosecution is that on 13.11.2020, when the Complainant along with his son Roshan Yadav was selling *Rangoli*, the Applicants attacked them with knife and sward as a result of which, the complainant sustained injuries and his son Roshan Yadav died after being admitted in the hospital.

3. Learned Counsel for the Applicant submits that the Applicants have been falsely implicated in the crime in question for which, they are in jail since 14.11.2020 and that there is no incriminating material against them which may hold them guilty for the commission of offence punishable under Sections 302, 294, 323 and 120-B/34 IPC and therefore, they may be released on bail.

4. On the other hand, learned State Counsel opposed the bail applications.

5. I have heard learned Counsel for both the parties and perused the entire case diary.

6. Taking into consideration the facts and circumstances of the case, looking to the number of injuries found on the body of the deceased, which is homicidal in nature and considering further the evidence of the eyewitnesses which corroborates the fact that the present Applicants have assaulted the deceased on account of previous animosity, I am of the opinion that the Applicants are not entitled to be released on bail.

7. Accordingly, the instant M.Cr.Cs are rejected.

Sd/-

Gautam Chourdiya
JUDGE

Priya