

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7160 of 2021

1. Shahid Khan S/o Aslam Khan aged about 22 years, Caste – Muslim, R/o Sarkoni, P.S. - Majhiaon, District Gadhwa (Jharkhand)
2. Sarwar Khan S/o Anwar Khan, aged about 23 years, Caste – Musalmaan, R/o Village Sukwana, P.S. Gadwa, District – Gadhwa (Jharkhand)

---- Applicants

Versus

- State of Chhattisgarh, Through : S.H.O. Police Station: Pratappur, District Surajpur (C.G.)

---- State/Non-applicant

For Applicants	:	Shri D.N. Prajapati, Advocate
For Respondent/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

15.11.2021

1. The applicants have preferred this second bail application under Section 439 of Cr.P.C. as they are in jail since 27.09.2020 in connection with Crime No. 142/2020 registered in Police Station – Pratappur, District Surajpur (CG) for the offence punishable under Sections 302, 394, 34, 120B of IPC and Sections 25 & 27 of Arms Act.
2. The first bail applications of the applicants were dismissed as withdrawn by this Court vide common order dated 08.03.2021 passed in M.Cr.Cs. No. 644/2021 & 1395 of 2021.
3. Applicants and co-accused Faizan hired the Scorpio vehicle, owned by the brother of the deceased (Chitrengh Kumar Sahu) namely Dushyant Kumar Sahu, which was driven by the deceased. The dead body of the deceased was found on 04.09.2020.
4. During investigation, the travel agents, through whom the accused persons had hired the vehicle, have identified them. Moreover, mobile set belonging

to the deceased has been recovered from the possession of co-accused Faizan. There are evidence of call details, CCTV footage, etc.

5. Learned counsel for the applicants submits that the applicants are innocent person and have been falsely implicated in this case. He also submits that there are 34 prosecution witnesses out of which only 04 witnesses have been examined, the applicants are in custody since 27.09.2020 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
6. On the other hand, learned counsel for the State opposes this second bail application.
7. Considering the entire facts and circumstances of the case, considering the fact that allegation made against the present applicants is similar to that against co-accused Faizan and the bail of co-accused was dismissed on merits by the coordinate bench of this Court vide order dated 04.08.2021 passed in M.Cr.C. No. 4264/2021, and that trial is commenced as out of 34 witnesses, 04 witnesses have been examined and in near future case is likely to be disposed of by the trial Court, the evidence so far recorded before the trial Court cannot be appreciated at this stage by this Court, I am not inclined to grant bail to the present applicants.
8. Accordingly, this second bail application is dismissed.

Sd/-

(Gautam Chourdiya)
Judge