



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4326 of 2023

- Mo. Sharif S/o Raital Shekh, Aged About 24 Years R/o. Village Gobha, Police Station Baidhan, District Singrouli (M.P.) Presently R/o At Bhavrahi, Outpost Basdei, Police Station Surajpur, District Surajpur (C.G.). ---- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Outpost Basdei, Police Station Surajpur, District Surajpur (C.G.). ---- **Non-Applciant**

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Non-Applciant/State : Mr. H. S. Ahluwalia, Deputy Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

23.06.2023

- 1) First bail application of the applicant was dismissed on merits by this Court vide order dated 31.03.2023 in MCRC No. 10918 of 2022.
- 2) The applicant has preferred this **Second** Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No.422/2022 registered at Out Post Basdei, Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Section 305 read with 34 of the IPC.
- 3) As per prosecution case, deceased Suhana Fatima was pursuing her studies in Madarsa situated at Jamiva Gulshane Fatima Raza Nagar, Bhavrahi, equivalent to Class X in Urdu language. On 26.09.2022, her dead body was



found hanging from the ceiling fan in a room. Thereafter mereg intimation was given and consequently FIR was registered by father of the deceased on 28.09.2022. Statements of eight students were recorded who were also pursuing their studies in the same Madarsa and most of the witnesses have stated that earlier the deceased was beaten by the present applicants and the matter was reported to the father of the deceased. Consequently some action was taken by the Board on the complaint made by father of the deceased thereafter the present applicants started humiliating, insulting and torturing the deceased as a result of which she committed suicide on 26.9.2022

4) Learned counsel for the applicant would submit that the seven witnesses out 34 witnesses have already been examined before the learned Court below. The applicant is in jail since 29.09.2022. Thus, the applicant may be enlarged on regular bail.

5) On the other hand, learned counsel for the State would oppose the bail application.

6) I have heard learned counsel for the parties and perused the case diary.

7) Considering the facts and circumstances of the case, the fact that 7 witnesses out of 34 witnesses have been examined before the trial Court, except this, there is no change in the circumstance of the case, therefore, I am not inclined to allow the bail application, accordingly, the bail application is rejected.

Sd/-

(Rakesh Mohan Pandey)
Judge