

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3607 of 2015**

- Sunil @ Dablu Tiwari, son of late Shri Awadh Kishore Tiwari, aged about 36 years (not mentioned in the order sheet), resident of Devri, Police Station, Saragaon, Civil and Revenue District Raipur (Chhattisgarh)

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station Tikrapara, Civil and Revenue District Raipur (CG).

---- Respondent

For Applicant	:	Mr. Sudeep Agrawal, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****13/8/2015**

1. The applicant has preferred the instant bail application under Section 439 of the Cr.P.C. for grant of regular bail who has been in jail since 26-2-2015 in connection with Crime No. 119 of 2015, registered in Police Station Tikrapara, Dist. Raipur (CG), for offence punishable under Sections 307 and 342 of the I.P.C.
2. The case of the prosecution in brief, is that the applicant, in order to take revenge on account of old animosity, fired gunshot by his licenced pistol at the complainant Shiv Shankar Tiwari as a result of which the complainant sustained injury on his right thigh and thereby he committed the aforesaid offence.
3. Mr. Sudeep Agrawal, learned counsel appearing for the applicant would submit that this is a first bail application filed on behalf of the applicant and no other application of the nature is pending before the Supreme Court nor before any other Court. He further submits that gunshot fired on the complainant is accidental in nature and the appellant did not have any intention to kill the victim/complainant. He also submits that applicant did not use remaining bullets, the

appellant is in jail since 26-2-2015, charge-sheet has been filed in the case and no useful purpose would be served by detaining him in jail, therefore, he may be released on regular bail.

4. *Per contra*, Shri Suryakant Mishra, learned counsel appearing for the State submits that weapon used in crime in question is a deadly weapon as a result of which the victim suffered grievous injury and there is sufficient evidence to connect the applicant with the crime in question, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case and the evidence collected by the prosecution against the applicant, particularly, the weapon used in crime in question is deadly weapon and further taking into consideration the nature of injury suffered by the complainant, I am of the opinion that, *prima facie*, it is not a fit case in which the applicant should be enlarged on bail.
7. Accordingly, the instant bail application is liable to be and is hereby dismissed.

Sd/-
(I.S. UBOWEJA)
JUDGE