

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 987 of 2015

Rasid @ Jaggu S/o Sughan Lal Sahu Aged About 50 Years R/o Village Khairbana, P.S.
Chhuikhadan, Civil & Revenue District Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station Chhuikhadan,
District Rajnandgaon, Chhattisgarh

---- Respondent

Shri Abhishek Sharma, counsel for the applicant/s.
Shri Wasim Miyan, Panel Lawyer for the State.

Order On Board

12/10/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.151/2015 registered at police station – Chhuikhadan, District – Rajnandgaon, Chhattisgarh for alleged commission of offence under Section 307/34 of IPC.

2. Prosecution case is that the applicant and other co-accused assaulted victim – Shishupal with intention to cause death.

3. Learned counsel for the applicant submits that the allegation of assault is against the co-accused Rupchand. At the time when FIR was filed immediately after the incident by the FIR informant Bhagwandas, who claims to have lodged FIR after getting complete details of the incident from the victim, did not mention the name of the applicant. In view of previous enmity, suspecting assault of Rupchand on the victim at the instance of the applicant, later on, at the stage of recording case diary statements, name of the applicant is included. Therefore, possibility of false implication of the applicant cannot be ruled out.

4. On the other hand, learned State counsel opposes bail application and submits that the FIR was not lodged by the victim but by some other person. As soon as statement of the victim was recorded, he stated that the co-accused had assaulted and the applicant was saying that the victim has to be killed.

5. Prima facie, FIR was lodged immediately after the incident. Bhagwandas, the first informant has narrated the story of the incident as told to him by the victim. He has stated in the FIR regarding overt act of the co-accused Rupchand but in the FIR, name of the applicant is not stated.

No overt act is alleged against the present applicant. There are allegations of previous enmity. Rupchand has been later on granted regular bail.

Taking into consideration the circumstances of the present case, particularly that the name of the applicant was not stated in the FIR, possibility of false implication cannot be ruled out.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge