

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1161 of 2016

Vijendra Singh @ Pappu, S/o Shri Jaigovind Singh, aged about 42 years, Caste Kshatriya, R/o Village Devri Mod, Batouli, P.S. Batouli, Civil and Revenue District Sarguja, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Kotwali, Ambikapur, District Sarguja, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Ashok Varma and Mr. C. Jayant K. Rao, Advocates.
For Non-applicant:	Mr. Aditya Sharma, Panel Lawyer.
For Objector:	Mr. Anand Shukla, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/04/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.599/2015, registered at Police Station Kotwali, Ambikapur, District Sarguja, for the offence punishable under Sections 307, 120-B read with Section 34 of the IPC; Sections 25 and 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 22-10-2015 at 7.30 p.m., the applicant and three co-accused persons reached Ravi Petrol Pump owned by Smt. Sumila Paikra and also partnered by Jitendra Singh, and made fire arm injury to Jitendra Pandey, Manager of the said Petrol Pump, by which he suffered simple injuries. Eight rounds of fire were made by country made pistol by Rahul Singh, Jack Singh and Vikas Giri, and the applicant is said to have substantively and

fully conspired with these persons to kill Jitendra Singh.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question. The applicant is presently not owning the petrol pump and no test identification parade has been conducted by the prosecution during investigation. Despite the availability of CCTV footage, the CCTV has not been seized by the police during investigation and it has not been filed along with the charge-sheet. No incriminating article has been seized from the applicant and no injury of fire arm has been found to any of the complainants. Jitendra Singh, to whom the applicant is said to have conspired for killing, was not available on the spot at the time of incident. The applicant is in jail since 9-11-2015 and charge-sheet has been filed.
4. On the other hand, learned State counsel and learned counsel for the objector oppose the application and submit that the applicant is the main conspirator in commission of offence with Rahul Singh, Jack Singh and Vikas Giri, and Rahul Singh is close relative of the applicant. Since earlier, the present applicant was Manager of the said Petrol Pump and it has been taken-over by Jitendra Singh, such a conspiracy has been made against Jitendra Singh.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, the fact that CCTV is said to have not been seized by the police, no recovery is said to have been made from the applicant, Jitendra Pandey is said to have suffered only simple injuries in the said incident, taking into consideration the nature of dispute and charge-sheet has been filed in

which the applicant is in jail since 9-11-2015 for more than five months, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.

7. It is, therefore, directed that applicant Vijendra Singh @ Pappu be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma