

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4836 of 2016

Mahesh Soni, S/o. Late Ganga Prasad Soni, Aged About 64 Years, R/o. Patel Ward, Police Station & Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the District Magistrate, Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.C.Tiwari, Senior Advocate with
Mr. Kripesh G. Kela, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.78/2016 registered at Police Station Dongargarh, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 302, 307 of Indian Penal Code and 25/27 of the Arms Act.
2. As per the prosecution case, on 10.02.2016, over a land dispute, the deceased Doman Sahu and Manoj Shrivastava when went to the house of the applicant, an altercation took place and thereafter Mahesh went inside his house and took out a Rifle and shot first bullet to Manoj and second to Doman whereby Doman has died. Thereby, the offence is committed.
3. Learned counsel for the applicant would submit that this is a case of self-defence as the deceased and Manoj Shrivastava went to the house of the applicant and attacked him. He further submits that

the applicant is 64 years aged person and he is suffering with heart disease, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of Manoj Shrivastava who was injured wherein categorical statements have been made that the applicant shot Gun fire to the deceased. Taking into such statement, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge