

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5672 of 2016

- Wasim Pasha S/O Saiyyad Zahid Hussain, Aged About 22 Years R/O Gousiya Chowk Sanjay Nagar Raipur Police Station Moudha Para Raipur, Chhattisgarh, Tahsil And District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Of Police Station Modha Para Raipur, Chhattisgarh

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate.

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-09-2016

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 on 1-4-2016 in connection with Crime No. 126 of 2016, registered at Police Station Moudhapara, Raipur (CG) for the offence punishable under Section 302/34 of the IPC and Sections 25 & 27 of the Arms Act.
2. As per prosecution case, on 31-3-2016 at about 9.15 pm., the applicant along with one Mohd. Tanjil Raza @ Monu and Abid Khan went to Sumit Raxel where some altercation took place between Sumit Raxel and Mod. Tanjil Raza and Mohd. Tanjil Raza fired a bullet shot at Sumit Raxel whereby he died and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and entire allegations have been attributed to Mohd. Tanjil Raza, who had fired a bullet shot at Sumit and there was no pre-meditation of the mind and the entire altercation took place between Sumit and Mohd. Tanjil Raza and no allegations can be attributed to the present applicant. It is further

submitted that the charge-sheet has been filed in this case, he is in jail since 1-4-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that the applicant along with other co-accused reached to the spot on their respective vehicles and thereafter one of the co-accused fired a bullet shot at Sumit whereby he died.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the eye-witnesses namely Neweraj @ Chhotu Sonkar and Golu wherein it has been stated that the incident took place between 9.15 pm to 9.30 pm. The applicant reached to the spot along with other co-accused and thereafter one of the co-accused fired a bullet shot at Sumit whereby he died.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the statements of the eye-witnesses and the evidence collected by the prosecution against the applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju