

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5234 of 2016

Arun Yadav S/o Ramkumar Yadav Aged About 22 Years, R/o
Handipara, Near Radhakrishna Temple, Police - Station - Aazad
Chowk Raipur District - Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Its Police - Station - Maudahapara
Raipur District - Raipur Chhattisgarh

--- Respondent

And

MCRC No. 5917 of 2016

Neeraj Sonkar S/o Mahendra Sonkar, Aged About 24 Years, R/o
Bhatagaon Ganesh Chowk Dirhapara, Police Station Purani Basti,
Raipur, Civil & Revenue District Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Station Mohdapara, Raipur, Civil & Revenue District Raipur,
Chhattisgarh

---- Respondent

For applicants - Shri U.K.S. Chandel and Shri B.L. Sahu, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/09/2016

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.46 of 2016 registered in Police Station Maudahapara Raipur Civil and Revenue Distt. Raipur (C.G.) for offence punishable under sections 307, 325, 147, 148 & 149 of Indian Penal Code & 25, 27 of Arms Act.
3. As per the prosecution case, a report was made by one Monu @ Tanjin that on 31/03/2016 when the complainant Monu @ Tanjin who was called by Sumit Raksel when he reached there, altercation took place over

the old issue and Sumit Raksel assaulted Monu @ Tanjin by way of a knife and stabbed and the other co-accused also assaulted and tried to kill the complainant. Thereby, offence is committed.

4. Learned counsel for the applicants submits that Monu @ Tanjin alongwith two friends came to the house of Sumit Raksel and the applicants who were talking with each other at the relevant time, at that time Monu @ Tanjin fired bullet shot on Sumit Raksel whereby he died and after the bullet shot the applicants alongwith family members of Sumit Raksel tried to catch hold of the accused, two of the accused fled away but Monu was caught since he was also trying to flee away scuffle took place. He submits that because of the bullet shot made by the complainant, Sumit Raksel died for which Crime No.45/2016 was registered whereas in order to over come such act, false report has been made. He further submits that nature of injury is not fatal to the extent and two are shown to be simple in nature. He submits that taking into background of the case, the way the incident happened, applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. During the earlier hearing case diary of Crime No.45/2016 was called which shows that Monu @ Tanjin had fired bullet shot whereby Sumit Raksel died, at that time two of the accused fled away while Tanjin was caught who is complainant here in this case and he was beaten. Perused the FIR in the present case and also report. Considering the FIR and the allegation, the way the offence has been committed and also considering the medical report, this court is inclined to release the applicants on bail.

7. Accordingly, the bail applications are allowed and it is directed that the applicants shall be released on each of them furnishing personal bond

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for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE

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