

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6641 of 2016

Sanjay Racshel S/o Annu Racshel @ Sharvan Racshel Aged About 27 Years R/o Behind Of Sundrani Video World Modhapara, Police Station Modhapara, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Modhapara, District Raipur, Chhattisgarh.

---- Respondent

And

MCRC No. 6668 of 2016

Golu Rao S/o Late Shri Pusal Rao Aged About 23 Years R/o Mahaveer Nagar, Police Station New Rajendra Nagar, Tehsil & District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Moudhapara, District Raipur, Chhattisgarh.

---- Respondent

For applicants - Shri Amit Kumar and Shri Surfaraj Khan, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2016

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 these applications for grant of bail as they are arrested in connection with Crime No.46/2016 registered in Police Station Moudhapara, Distt. Raipur (C.G.) for offence punishable under sections 147, 148, 307, 149 of IPC, 25 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 counsels 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. Learned counsels submit that similarly placed co-accused persons have been enlarged on bail by this court in M.Cr.C. Nos.5234 and 5917 of 2016 on 28/09/2016. they submit 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, considering the medical report and also for the fact that similarly placed co-accused persons have been enlarged on bail by this court in M.Cr.C. Nos.5234 and

5917 of 2016 on 28/09/2016, 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 for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court/remand court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE