

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7090 of 2016

- Afsar Kadar S/o Sheikh Hussain, Aged About 22 Years (Wrongly Mentioned Afsar Magh), R/o Magh Chowk, M.G. Road, Police Station Maudahapara, Raipur, District Raipur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Maudahapara, District Raipur, Chhattisgarh. --- **Respondent**

For applicants	-	Mrs. Pritha Ghoshal, Adv.
For Respondent/State	-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam BhaduriOrder28-11-2016

1. The applicant has preferred this application for grant of bail as he has been arrested in connection with Crime No.46/2016 registered at Police Station Moudhapara, Distt. Raipur (C.G.) for offence punishable under sections 147, 148, 307/149 of IPC.

2. As per the prosecution case, a report was made by complainant Monu @ Tanjin that on 31/03/2016 when the complainant was called by Sumit Raksel he reached there and thereafter altercation took place between the parties over an old issue and Sumit Raksel assaulted Monu @ Tanjin by way of a knife and stabbed. The allegation against the applicant is that he alongwith other co-accused also assaulted and tried to kill the complainant, thereby, offence is committed.

3. Learned counsels for the applicant submits that Monu @ Tanjin along-with two friends came to the house of Sumit Raksel

and the applicant along-with others 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 applicant along-with 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 counsel submits that similarly placed co-accused persons have been enlarged on bail by this court in M.Cr.C. Nos.5234 & 5917 of 2016 on 28/09/2016 and in M.Cr.C.Nos.6641 & 6668 of 2016 on 26.10.2016. He submit that taking into background of the case and the way the incident happened, applicant may be released on bail.

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

5. 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 as mentioned above, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court/remand court for his regular appearance before the said as and when directed.

Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao