

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6311 OF 2017

Ranjeet Singh, S/o Devendra Singh, aged about 32 years, R/o Vikas Nagar, Gudhiyari, Raipur, Tahsil & District: Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Station: Urla, Raipur, District Raipur (C.G.)

... Respondent

For Applicant	:	Mr. N. Naha Roy, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 13.7.2017 in connection with Crime No.171/2017 registered at Police Station- Urla, District Raipur, for the offence punishable under Sections 294, 506, 307 read with Section 34 of IPC and Sections 25, 27 of the Arms Act.
2. The case against the Applicant as per the prosecution is that the Applicant along with other accused persons is said to have gone to the hotel (*dhaba*) of Ashok Das Vaishnav, the Complainant, and was threatening him and was having an altercation in respect of the property in which the *dhaba* situates and threatening him to vacate the premises and in the process, the main accused Muakkan Singh is said to have took out a 12 bore gun and fired though nobody was injured. Subsequently, a sword was also recovered from a co-accused Vikram Singh.
3. Learned Counsel for the Applicant submits that the present Applicant was not involved in the incident and there was no overt-act on the part of the Applicant and no recovery also has been made from the Applicant. He further submits that the Applicant has not been named in the FIR also

except for a passing remark of a witness who says that the main accused Muakkam Singh had come with two of his son-in-laws. He thus prayed for the release of the Applicant on bail.

4. Learned Counsel for the State however opposing the bail application submits that it is a case where the witnesses have stated that the main accused Muakkam Singh had come along with the other accused persons including the present Applicant, the son-in-law of the main accused Muakkam Singh, and therefore the Applicant also has played an active role in the commission of the offence.

5. Having considered the submissions put forth on either side and on perusal of record, prima facie from the perusal of the record it appears that there was no overt-act attributed against the Applicant neither was any recovery made from him. Firing of the gun shot also was by the main accused Muakkam Singh.

6. Given the aforesaid factual matrix of the case and taking into consideration the period of custody undergone by the Applicant, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge