

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 624 of 2017

1. Annu @ Shravan Raksel, S/o. Late Nandlal Raksel, aged about 54 years,
2. Rishabh Raksel, S/o. Annu @ Shravan Raksel, aged about 19 years,

Both are R/o. Behind of Sundrani Video World, Maudahapara, P.S. - Maudahapara, Raipur, District – Raipur (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Maudahapara, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. U.K.S. Chandel, Advocate
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate
For Objector	:	Mr. Devershi Thakur, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.46/2016, registered at Police Station – Maudahapara, District – Raipur (C.G.) for the offence punishable under Section 307, 325, 147, 148, 149 (wrongly mentioned in 247 & 248) of Indian Penal Code and Section 25 & 27 of Arms Act.
2. Case of the prosecution, in brief, is that a report was made by one Monu @ Tanjin that on 31.03.2016, when complainant Monu @ Tanjin who was called by Sumit Raksel he reached there and thereafter, 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, the offence is committed.

3. Learned counsel for the applicants would submit that Monu @ Tanjin along with two friends came to the house of Sumit Raksel and the applicants who were relation of Sumit Raksel were talking with each other at the relevant time, Monu @ Tanjin fired bullet shot on Sumit Raksel, whereby he died and after the bullet shot the applicants in self defence tried to save as otherwise Monu @ Tanjim would have killed them. It is further submitted that since one of the accused fired bullet shot, the family members of the applicants 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. It is further submitted that because of the bullet shot made by the complainant – Monu @ Tanjim, Sumit Raksel died for which Crime No.45/2016 was registered and in order to over come such act, false report has been made. It is further submitted that similarly placed co-accused Arun Yadav and Neeraj Sonkar have been enlarged on bail by this Court in M.Cr.C. No.5234/2016 and M.Cr.C. No.5917/2016 vide order dated 28.09.2016, therefore, the counsel prays that the applicants may also be enlarged on bail.
4. On the other hand, learned counsel for the State as well as counsel for the objector, the father of the Mohd. Tanjin opposes the bail application. However, the State counsel is not able to dispute the fact that similarly placed co-accused persons in this case have been enlarged on 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 herein this case and he was beaten.
6. Perusal of the case diary would show that son of the applicant No.1 has died, who was brother of the applicant No.2. It appears that arm twisting method was used to develop the false defence and the objection has been made specially when there is no dispute about the fact by the State counsel that similarly placed co-accused persons have been enlarged on bail. Taking into such fact, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge