

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1114 of 2017

- Surendra Nath Singh S/o Late Shri Ramsagar Singh Aged About 60 Years R/o M.L.A Nagar Junapara, Baikunthpur, District Korea, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Baikunthpur, District Korea, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Arvind Singh, Advocate
For Respondent/State : Mr. Anant Bajpai, Panel Lawyer
For Objector ; Mr. R.V. Rajwade, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

3-3-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 8-1-2017 in connection with Crime No. 16 of 2017, registered at Police Station Baikunthpur, District Korea (CG) for the offence punishable under Sections 294, 307 read with Section 34 of the IPC.
2. As per prosecution case, a report was made by complainant Prabhakar Singh that on 8-2-2017 when he went to find out the house at M.L.A. Colony, at that time, the son of the applicant namely Avinash came out and abused that they were involved in immoral activities and have come for dacoity, thereafter having objected altercation increased, at that time present applicant came

out with gun and his son took the gun from his father and fired gun shot by which palm of the complainant got injured and thereby applicant tried to kill the complainant.

3. Learned counsel appearing for the applicant would submit that counter report was made by the present applicant against the complainant Prabhakar Singh who has in his credit 18 criminal cases under different Sections of IPC and Cr.P.C., and externment proceedings are initiated against the complainant. He would further submit that the complainant entered into the house of the present applicant and started abusing and assaulting him and family members, therefore, in order to make his defence fire shot was made towards the shy as to give a warning to complainant and incidentally one of the palm of the complainant got bruised. It is stated that had there been any intention to kill the complainant, direct gun shot could have been made from zero range towards the body of complainant. He would further submit that the injury sustained by the complainant is simple in nature, charge-sheet has been filed in this case, the applicant is in jail since 8-1-2017 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel as well as counsel for the objector oppose the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the document (Annexure D/1) filed along with bail petition which shows that 18 criminal cases are registered under different Sections of IPC and Cr.P.C., against the complainant and externment proceedings are also initiated against the complainant

by the State. Also perused the counter report which shows that the complainant entered into the house of the present applicant and started abusing and assaulting the present applicant, therefore, first information report was registered against the complainant under Sections 452, 294, 506-B, 34 and 323 of the IPC.

7. Perused the medical report which shows that the injury sustained by the complainant is simple in nature. Query report filed along with the bail petition also shows that the injury sustained by the complainant is not a typical gun shot injury.
8. Taking into totality of the facts of the case, considering the counter report, medical report and back ground of the case and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 8-1-2017, I am inclined to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju