

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3263 of 2017

- Samar Sekhar Singh S/o Shri Shashi Sekhar Singh, Aged About 26 Years, R/o 14, B.N.C.A.F.D. Camp Bade Pijouri, Amabeda, P.O. Amabeda, District Kamker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Amabeda, District Kamker, Chhattisgarh

-- Non-applicant

For Applicant – Shri M.L. Sakat, Advocate.

For Non-applicant/State – Shri O.P. Sahu, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-11-2017

1. Heard on the application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant.
2. It is submitted that Applicant has been arrested in connection with Crime No. 02/17, Registered at Police Station – Amabeda, District Kanker, Chhattisgarh for the offence punishable under Section 302 of IPC & Section 27 of the Arms Act.
3. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated in this case. As per the allegation in the case against the Applicant, the rifle from which the deceased was shot was not issued to the Applicant, and there had been no eyewitnesses in this case and the statement given by the witnesses of extra judicial confession and others is not believable. As the statement of Madhav Yadav, who was with the Applicant and the deceased just before the incident clearly discloses that Applicant could not be the person who could have cause death of the deceased. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that as per the case diary there had been hot exchange of words between the Applicant and the deceased just before the incident, thereafter, when the firing of shot was heard, the Court Master Ignasimus Tirki came out of his tent and saw the Applicant standing in front of the tent of the deceased carrying a SLR rifle. On asking of the Ignasimus Tirki, he stated that he has done what he wanted to do, then Ignasimus Tirki found the body of the deceased lying in front of his tent. Hence, for this reason, the applicant is not entitled for grant of bail.

5. Heard learned counsel for both the parties and perused the case diary and the documents produced on record.

6. Considering the submissions made and the contents of the case diary, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of Indian Penal Code and Section 27 of the Arms Act, is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge