

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8401 of 2016

1. Rahul Singh, S/o. Shri Dhananjay Singh, aged about 28 years, R/o. Bardiha, P.S. -Nasriganj, District – Rohtas Bihar. Presently residing at Village-Jhargawa, Devri Mod, P.S., Post and Tahsil – Batouli, District – Sarguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, City Kotwali, Ambikapur, Sarguja (C.G.)

---- Respondent

For Applicant	: Mr. C.J.K. Rao, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/01/2017

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 applicant who has been arrested in connection with Crime No.676/2015 (wrongly written 2016 in order sheet), registered at Police Station – Kotwali, Ambikapur, Sarguja (C.G.) for the offence punishable under Section 506, 507, 419, 420, 465, 471 Indian Penal Code and 66 (A) of I.T. Act.
2. Case of the prosecution, in brief, is that a report was made by Jitendra Singh on 22.11.2015 alleging that on 15.11.2015, he received a phone call from Rahul Singh from his mobile No.8858068792 to his mobile No.9425254529 and stated that he survived bullet shot which was earlier made, however, he has not closed the petrol pump and was advised to close. The running of petrol pump was in dispute and the applicant wanted to take over the said petrol pump, which was the cause of dispute. Earlier to that it is alleged that the applicant along with others had fired bullet shot on the complainant to

take over the possession of petrol pump, which the complainant could survive , which was followed by threatening on phone call. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that no evidence is available against the applicant that he has made the call and phone number 8858068792 is belonged to the present applicant. It is submitted that only for the reasons that in the other cases, bail was granted to the present applicant, the inflated sections have been added. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of Jitendra Singh as also the statement of Rakesh Kumar in whose name the said phone number was obtained. It is stated that he had not obtained the said Sim. The memorandum of the present applicant was also perused, wherein it is stated that phone and Sim card was destroyed and it was thrown in the river. Taking into totality and the background of the case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge