

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2028 of 2018

- Mohd. Ashif Siddiqui S/o Mohd. Akil Siddiqui Aged About 24 Years R/o- Jagdamba Colony, Rawanbhantha, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/05/2018

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 in connection with Crime No.558/2017, registered at Police Station– Tikrapara, District– Raipur(C.G.) for the offence punishable under Sections 307/34 of Indian Penal Code (for short 'IPC') and Sections 25 & 27 of Arms Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 27.10.2017. After completion of investigation, charge-sheet has been filed. No case is made out against this applicant according to the

material present in the charge-sheet. The presence of this applicant on the spot of incident was simply for the reason, that he was in the party of drink and according to the evidence in this case, the ingredients under Section 34 of IPC is not made out against this applicant, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that he was a person who handed over the knife to the co-accused person Mukesh Baghmare, who in turn fatally injured the victim Mukesh Shiv Shankar, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As per the case, the complainant Mukesh Shiv Shankar along with this applicant and co-accused Mukesh Baghmare were having drinks, some dispute arose between them, it was at that time that co-accused took a knife from this applicant, who was having it in his possession and used the same to stab the victim causing grievous and fatal injury to him. Hence, this case.
6. Considered on the diary statement of the witnesses, the ingredients under Section 34 of IPC was present or not in the case, shall be made out after the witnesses are examined before the trial Court.
7. After due consideration as it appears that applicant is not a main assailant in this case. For this reason, I am of this view that this is a fit case where applicant should be enlarged regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on him furnishing a personal bond for a sum of Rs.25,000/-with one surety in the like sum to the satisfaction of the concerned trial Court, for him

appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha