

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2179 of 2018

- Ramkumar Rathore S/o Shri Kunjbihari Rathore Aged About 59 Years Caste- Rathore, R/o- Village- Nandaurkala, Police Station And Tehsil- Sakti, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Officer In Charge Police Station- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. K.A. Ansari, Sr. Advocate with Mr. Vipin Singh, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

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

11/05/2018

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.04/2018, registered at Police Station– Sakti, District– Janjgir-Champa (C.G.) for the offence punishable under Sections 458, 294, 506(b) of Indian Penal Code (for short 'IPC') and under Section 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 4.1.2018. After completion of investigation, charge-sheet has been filed. No case is made out against this applicant. There had been a dispute between complainant and applicant, who belong to the same family-tree, regarding partition of lands because of which false FIR has

been lodged against this applicant. This applicant has no criminal antecedents and he is an ex-army man, hence, he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is clear allegation against this applicant that he attempted to commit murder of complainant of this case.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, on the date of incident because of the dispute between this applicant and the complainant party, who belongs to the same family-tree, this applicant armed with 12 bore gun forcibly entered the house of complainant Ramkishore Rathore and fired a shot with intention to cause his death. Nobody was hurt from the gun shot. The applicant also abused the complainant and threatened to kill him. Hence, the FIR was lodged.
6. Considered on the material present in the case diary, the concerned gun is although seized but there is no ballistic report. The Armourer's report does not clearly mentions about the use of gun at the time of incident. There is family dispute between the applicant side which is not denied, for this reason, I am of this view that this is a fit case where applicant should be released on regular bail.

Sd/-
(Rajendra Chandra Singh Samant)
Judge