

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6489 of 2017**

1. Vikram Singh S/o Devendra Singh Aged About 32 Years R/o Kheri, Police Station Dabra, District Gwalior, Madhya Pradesh. Current Address : Vikas Nagar, Gudhiyari, Raipur, Chhattisgarh.
2. Mohakkam Singh S/o Shrawan Singh Aged About 70 Years R/o Chhota Ashok Nagar, Gudhiyari, Raipur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through : Police Station Urla, Raipur, District Raipur, Chhattisgarh.

----Non-applicant

For Applicants	:	Mr. N. Naha Roy, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/01/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 171/2017 registered at Police Station Urla, District Raipur, Chhattisgarh for the offence punishable under Sections 294, 506, 307 read with 34 of Indian Penal Code 1860 and Sections 25, 27 of the Arms Act, 1959.
2. The applicants are in jail since 12.07.2017 and 21.08.2017 respectively in the aforesaid Crime number.
3. The allegation as per the prosecution against the present applicants is that the present applicants along with the other co-accused persons are said to have gone to the premises where the complainant Ashok Das Vaishnav was running a Dhaba and are said to have threatened him of vacating the premises and then an altercation took place and the applicant No.2 is said to have used his

gun and has fired a gun shot and the applicant No.1 is said to have threatened the complainant with a sword that was in his hand.

4. The counsel for the applicants submits that it is a case where there was no injury caused to any of the persons and that it is a case where there is a dispute going on between the present applicants and the complainant Ashok Das Vaishnav pertaining to the property which is in possession of the complainant, which according to the applicants is owned by the applicant No.2 and who is trying to get the complainant evicted from the said premises. He further submits that the applicant No.2 in the instant case is aged around 70 years and that he does not have any criminal antecedents. It was further contended that the present applicants have been falsely implicated in the instant case and prayed for the released of both the applicants on bail.
5. The State counsel on the contrary opposes the bail application and submits that it is a case where the present applicants were armed with deadly weapons and have also threatened the complainant of his life and in the course of the altercation, the applicant No.2 has also said to have fired from the gun that was in his possession and therefore prayed for the rejection of the bail application.
6. Having heard the contentions on either side and on perusal of record considering the entire facts and circumstances of the case, particularly the fact that there was no injury caused to any persons, secondly the age of the applicant No.2, in addition the fact that there is a dispute in respect of the premises in which the complainant is operating his business and also considering the duration of the

custody undergone by the applicants, this Court is of the opinion that it is a fit case for grant of bail and same is accordingly allowed.

7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved