

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4756 of 2018

- Rahul Chimnani @ Honey S/o Suresh Kumar Chimnani Aged About 27 Years R/o- Bajrang Ward, Bhatapara, District- Balodabazar, Chhattisgarh. Presently R/o- Naya Talab, Gudhiyari, P.S.- Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Maudhapara, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Devershi Thakur on behalf of J.K. Gupta, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/08/2018

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.121/2018 registered at Police Station– Maudhapara, District– Raipur(C.G.) for the offence punishable under Section 294, 323, 307, 34 of Indian Penal Code and Section 25 & 27 of the Arms Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since

1.6.2018. No case is made out against him. Applicant was not the person who has shot the fire arm in this case and neither he himself had engaged in the quarrel with other party. Counter FIR has been lodged by the Vinay Raksel alleging, that the complainant party were aggressor who had made use of fire arm, firing shot on Vinay Raksel, hence, the applicant is not a participant in the commission of said offence as alleged. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident it is alleged, that main accused Vinay Raksel engaged in quarrel with complainant Hafizuddin and this applicant was in company with the main accused Vinay Raksel at that time. During this quarrel, which is alleged that Vinay Raksel took out a fire arm and shot towards Hafizuddin which missed him. After lodging of FIR, case has been registered against this applicant and the co-accused persons.
6. Considered on the entire material present in the case diary, as it appears that this applicant was not engaged in the quarrel and he is not the person, who has the shot in the fire arm. For these reasons, I am of this view that this is a fit case where applicant should be released on regular bail.
7. 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 his 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 his

appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha