

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6892 of 2018**

Shailendra Pandey S/o Avdesh Pandey Aged About 38 Years R/o
Sector-5 Street- 14, Quarter No. 2c, Bhilai, District- Durg, CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Bhilai Nagar, Bhilai, District- Durg, CG

---- Respondent

For applicant	Mr. T.K. Jha, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 296/2018 registered in police station Bhilai Nagar, Distt. Durg (CG) for offence punishable under Section 307 of the IPC and Section 25 of the Arms Act.
3. Prosecution story in brief is that complainant Vinod and the applicant are brothers. Complainant is resident of Bhilai. On 24-6-2018, a quarrel took place between complainant and the applicant. The applicant went inside the room and came out with a country pistol. When the applicant was trying to press the trigger of the pistol to kill the complainant, the complainant kicked on his hand, as a result of which pistol fired and a bullet hit the sole of right leg of the complainant. As per statement of the complainant, some unknown person had fired bullet at his leg.
4. At the instance of memo of the applicant, one country pistol was seized from possession of the applicant. Complicity of the applicant regarding causing gun shot is shown in the alleged memorandum which is not admissible in evidence.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
6. On the other hand, the State Counsel opposed the bail application.

However, he submits that no criminal antecedent of the applicant is reported in the police case diary.

7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge