

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7025 of 2018**

1. Sunil Madotiya S/o Late Bhawar Lal Madotiya Aged About 21 Years R/o Heerapur R. D. A. Colony, Police Station Kabir Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Rishab Rakshel S/o Shri Annu Rakshel Aged About 21 Years R/o Behind Sundarani Videos World, Modhapara, Police Station Modhapara, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Vinay Rakshel S/o Annu Rakshel Aged About 20 Years R/o Behind Sundarani Videos World, Modhapara, Police Station Modhapara, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Modhapara District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri U.S. Chandel, Advocate.
For the Respondent/State	:	Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.10.2018**

Heard.

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 applicants who have been arrested in connection with Crime No.121 of 2018, registered at Police Station – Modhapara, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 307, 294 and 323 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicants submits that the applicants are in jail since 20.6.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The fact is that the complainant party had come before the house of the applicants and fired shot from a firearm regarding which, a complaint case was registered against the complainant as Crime No. 120 of 2018, in which the complainant and the witnesses in this case are the accused persons and these applicants are the complainant and the witnesses. In the present case, there is no seizure of any firearm or proof of any shot fired. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants have criminal history. Hence, they are not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. It is alleged that on the date of incident, the complainant and others came in front of the house of the applicants, where they had a quarrel between them because of which, it is alleged that the applicants abused and assaulted them and one of the applicants fired shot from a firearm which has not resulted in any injury to any of the complainant party.

6. Considering the entire material present in the case-diary and there is no recovery of firearm and also the fact that a counter case has also been

registered against the complainant party, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge