

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6499 of 2020**

- Mohd. Sarfaraj Ansari @ Alam, S/o Shri Naim Ansari, aged about 25 years, R/o Shiv Nagar, Bhutpara, Police Station Tikrapara, District Raipur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through the Station House Officer, P.S. Tikrapara, District Raipur (C.G.)

---- Respondent

For Applicant : Shri Pragalbha Sharma, Advocate
 For Respondent/State : Shri Samir Uraon, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/01/2021**

1. The applicant has preferred this third bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.384/2019, registered at Police Station – Tikrapara, District Raipur (C.G.) for the offence punishable under Sections 307 IPC and Sections 25 and 27 of Arms Act.
2. Earlier bail applications of the applicant were dismissed as withdrawn with liberty to file the same after examination of material witnesses.
3. The allegation against the present applicant is that he opened fire on the victim/injured due to previous enmity. The statement of the injured was recorded and based on which, offence has been registered. The present applicant has been taken into custody on 04.06.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that PW/1 and PW/2 have been examined in the case and they have not supported the prosecution case. He also submits that the present applicant is in custody since 04.06.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposing the bail application submits that material witness i.e. victim/injured has not been examined in the case. He also submits that the applicant opened fire on the injured/victim and he sustained two gun shot injuries on his back.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, in particular the quality of evidence and injuries sustained by the victim, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application is rejected. However, the trial Court is directed to conclude the trial as early as possible, preferably within a period of six months from the date of receipt of copy of this order.

Sd/-

(Rajani Dubey)
Judge