

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8226 of 2021

Sanjay Raksel S/o Anuu Raksel, Aged About 28 Years R/o Sweeper Colony, Maudahapara, Police Station-Maudahapara, District-Raipur (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-Maudahapara, District- Raipur (Chhattisgarh)

---- Respondent

For Applicant : Shri UKS Chandel, Advocate

For Non-applicant : Shri Roshan Dubey, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

09/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.94/2021 registered at Police Station- Maudahapara, District- Raipur (C.G.) for the offence punishable under Sections 294, 506, 307, 120-B of IPC and Sections 25, 27 of the Arms Act.
2. Case of prosecution is that on 14.9.2020 at about 10:30 pm, when complainant along with his friend was standing near Abha Sound Service, co-accused Shera @ Aniket Yadav came there, started abusing them and also had altercation between them. Thereafter, co-accused Aniket as also complainant and his friend went away to their houses. On 15.9.2020 at about 5:00-6:00 am, when

complainant along with his friend Sajid Badshah were taking tea at Sharda square, Aniket, co-accused alone came there and fired upon them. Somehow complainant and his friends saved themselves and thereafter they chased Aniket who fled away. The incident was reported to concerned police station, based upon which, aforementioned crime was registered and Shera @ Aniket was arrested. In his memorandum statement, it has come that the pistol was supplied to him by present applicant and he was also arrested in the aforementioned crime.

3. Shri UKS Chandel, learned counsel for the applicant would submit that applicant in no manner connected with the aforementioned crime. There is no material available to show that applicant has supplied the pistol to co-accused Aniket. Except memorandum statement of co-accused, there is no other evidence to connect the applicant in the instant crime or to show that applicant has supplied pistol to the co-accused. Co-accused who fired from pistol was enlarged on bail by the Court below, hence, applicant may be enlarged on regular bail.
4. Shri Roshan Dubey, learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that co-accused Aniket after his arrest in his memorandum statement has taken specific name of applicant that it is the applicant who supplied arm/pistol to him. There are as many as 19 other criminal antecedents registered against the applicant in different police stations at Raipur. Hence, the applicant is not entitled to grant of bail. However, he do not dispute submission of learned

counsel for the applicant that except memorandum statement of co-accused, there is no other material available in the case diary to connect the applicant in the crime or there is no seizure of any arm or weapon from his possession.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against the applicant, submission of learned counsel for the applicant that except memorandum statement of co-accused of supply of pistol to him by applicant, there is no other material, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-
 - a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - b) Applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge