

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5981 of 2015

1. Avinash @ Dhannu, S/o. Mohan Lal Koshle, aged about 21 years, resident of Kota Road, Vikash Nagar Gudhiyari, Police – Station – Gudhiyari, District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Gudhiyari, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. B.L. Sahu, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2015

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.72/2015, registered at Police Station – Gudhiyari Raipur, District – Raipur (C.G.) for the offence punishable under Section 307/34 of I.P.C. & Section 25 & 27 of Arms Act.
2. Case of the prosecution, in brief, is that brother of complainant, Mukesh, namely Vikash Kumar had dashed the motor cycle of the accused, which lead to quarrel. Subsequently, the applicant alongwith one other Manjeet went to the house of the complainant and called Vikash, when he was not available, the applicant assaulted the Mukesh by fist and at that time, Gupti was used by Manjeet Singh, thereby he sustained injuries.

3. Learned counsel for the applicant would submit that entire allegation of using Gupti is against Manjeet and the applicant has only used fist and no seizure has been made from the present applicant. He would further submit that the applicant is in jail since 18.05.2015, therefore, he prays that the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that the applicant alongwith Manjeet went to the house of the Mukesh and thereafter assaulted and in such course, Manjeet has used Gupti, considering the role played, since they jointly went to the house of Mukesh, I am not inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge