

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6124 of 2015

1. Chandrashekhar Devdas, S/o. Late Anand Kumar Devdas, aged about 35 years, R/o. Durgapara, Near Priyadarshniya School, Supela, Bhilai, Tahsil and District Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Supela, District Durg (C.G.)

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

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.543/2015, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 324, 326, 294, 506-B/34, 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 05.08.2015, a report was lodged by the complainant, Basant Thakur that his younger brother Manoj Thakur alongwith his friend Vinay and Vikas went to egg shop, where applicant alongwith co-accused came and thereafter there has been some altercation took place and in result of that, the applicant alongwith other co-accused started severely beating Manoj Thakur and the allegation against this applicant is that he used knife and by such assault, Manoj was severely injured and was admitted to the hospital from 05.08.2015 to 12.08.2015 and he has also sustained fracture on

his frontal face.

3. Learned counsel for the applicant would submit that the incident occurred on the issue of the first serving of the egg and there was no intention to kill the applicant and no seizure was made. He would further submit that the applicant is in jail since 24.09.2015, therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that according to eye-witness Devendra, the victim was severely beaten and Chandrasekhar has also used knife, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the documents, the seizure, the statement of eye-witness, Devendra, the statement of the victim, Manoj, I am not inclined to allow this application at this stage. However, the applicant shall be at liberty to repeat the bail application after examination of the victim, Manoj and eye-witness, Devendra Singh.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge