

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5904 of 2015

Jahir Ali Khan, S/o. Late Sultan Ali Khan, Aged About 34 Years, R/o. Near Sanjay Nagar Masjid, P.O. Raipur, P.S. Tikrapara, Raipur, Distt. Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S. Telibandha, Raipur, Distt. Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.279/2015 registered at Police Station- Telibandha, Raipur, District Raipur (C.G.) for the offence punishable under Sections 294, 323, 324 & 327 of the Indian Penal Code.
2. Case of the prosecution is that on 06.08.2015, the complainant Vinod Kumar Singh was sitting near the Pan Shop, at that time, the applicant came there and demanded money to drink liquor. On being refused, he was assaulted to the extent that he suffered fracture and lacerated wound on his face and fracture of tibia.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and the applicant is in jail since 29.08.2015, therefore, taking into the detention of the applicant, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. He would submit that the complainant was beaten to the extent that fracture of tibia was caused. He further submits that apart from this, 39 criminal cases are pending against this applicant; therefore, he is not entitled for bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the fact that the complainant was beaten to the extent that fracture of tibia was caused and considering the past antecedents of the applicant as there are 39 criminal cases are pending against him, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge