

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6532 of 2015

Pramod Gupta, son of Gore Lal Gupta, aged about 28 years, R/o Village Madhla, Tahsil Sonhat, Civil and Revenue District Korea, District Korea (C.G). ... Applicant

Vs.

State of Chhattisgarh through Station House Officer, Police Station Sonhat, Distt. Korea (C.G)

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. SRJ Jaiswal, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 46/2015 registered at Police Station Sonhat, Distt. Korea (C.G) for the offences punishable under sections 294, 506, 323, 307 IPC.
2. As per the prosecution case, on 14.4.2015, while the children were playing outside the house, the applicant came out and thereafter assaulted a child namely Aman Kumar Gupta. It is alleged that the applicant throttled his neck and threw him on the cement road and thereby the offence was committed.
3. Learned counsel for the applicant submits that the incident had happened on 14.4.2015 and according the MLC, no visible external injury was present. He however submits that for some reason or the other the victim boy sustained head injury on 16.06.2015 that is after the date of incident, therefore, the injury might have been caused by some other external factor which is being attributed to the applicant.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Report filed by the father of injured namely Rajesh Gupta is perused wherein he stated that initially Aman Gupta his son aged about 8 years was assaulted by the accused. In subsequent statement it is stated that when his son was initially treated he was having severe pain in the neck and therefore, he got impleaded the applicant and he subsequently went to Ram Krishna Hospital, Raipur and thereafter to Benaras and after the incident, his son is not able to speak properly nor able to walk because of the fact that his son was thrown/hit on cement road by holding neck.
6. Taking into these allegations and the brutality of the offence committed by the applicant over a boy aged about 8 years, I am of the opinion if the applicant is released on bail, there is likelihood of tampering evidence by threatening the victim boy. Therefore, at this stage, I am not inclined to release the applicant on bail. Accordingly, the application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE