

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1270 of 2016

Hareram S/o. Dayanath Prasad, Aged about 35 years, R/o. Contractor Colony, Supela, Police Station Supela, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through - District Magistrate, Durg District Durg (C.G.)

---- Respondent

For Applicant	:- Mr. Arun Kochar, Advocate
For Respondent/State	:- Mr. Gary Mukhopadhyay, Deputy . Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01/03/2016

1. This is the second 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. 195 of 2015 registered at Police Station Newai, District Durg (C.G.) for the offence punishable under sections 307, 323, 147, 148, 149, 294 of Indian Penal Code and section 25 of Arms Act. The first bail application of the applicant was rejected on merit on 19.01.2016 in M.Cr.C. No. 7733 of 2015.

2. Case of the prosecution, in brief, is that on 26.07.2015 the complainant Ahmad Nadim Khan while was coming from his house, he stopped at Pan shop and thereafter he had some altercation with one Shashikant and thereafter Shashikant called the present applicant on phone and he came with the arms i.e. hockey, stick and sword and

thereafter they assaulted the complainant and he suffered the injuries and fracture on his head.

3. Counsel for the applicant submits that on the earlier occasion the bail application was dismissed on the ground that 18 cases are to the credit of the applicant but on an information obtained under the Right to Information Act only 9 cases have been decided and other cases are of penalty nature, therefore, the applicant may be enlarged on bail.

4. On specific query being made to the counsel for the applicant that how many cases are pending against this applicant, he is unable to submit the same.

5. Perused the case diary. Perusal of the case diary would show that 18 cases were to the credit of this applicant. Three cases were registered in the past, however, two cases are registered under the crime No 236 of 2015 and 254/2015 which are under sections 294, 506 B, 323, 427, read with section 34 of IPC in the year 2015 itself, and present is the third case of 2015 itself. Earlier the offences before 2015 were registered under section 294, 506B, 147, 148, 452, 323 etc, considering the back ground of this applicant, if the applicant is enlarged on bail tempering of evidence can not be ruled out. Taking into such fact, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application filed under section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
JUDGE