

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2490 of 2016

Manoj Anant S/o Shri Dayaram Anant, Aged About 24 Years, R/o Village Dhandhan P.S. & Tahsil Takhatpur District Bilaspur(Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Takhatpur Distt. Bilaspur Chhattisgarh

---- Respondent

For applicant - Shri Dheerendra Pandey, Advocate.
For Respondent/State – Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/05/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 1/12/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 200/2015 registered in Police Station Takhatpur Distt. Bilaspur (C.G.) for offence punishable under section 147, 148, 149, 294, 307, 323, 327/34 of IPC.
3. Case of the prosecution, in brief, is that on the date of incident, the Shiva Sonwani and his sons were cultivating their land at that time, the applicant along with others came down and assaulted, Sukhchain and Sant Kumar to cause death. Sant Kumar sustained four injuries and one of them is on head and likewise Sukhchain also sustained injuries on his head at the parietal region and rest on the other part of the body.
4. Learned counsel for the applicant submits that now the victim and the eye witness have been examined. He submits that reading their statement would show that case would not fall under Section 307 of IPC

and maximum it would fall under Section 323, 324 of IPC and according to the CT Scan nature of injury is simple in nature. He therefore submits that applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail and would refer to the statement of Sant Kumar PW-3, Rajesh Sonwani PW-9 and Dr. Shringi Netam PW-7.

6. I have perused the statement of the victim, eye witness and doctor. It is not proper for this court to evaluate evidence of the victim, eye witness and doctor which is left open for the trial court who is in hold of the matter. Considering the statement of the injured Sant Kumar and eye witness Rajesh Sonwani, this court is not inclined to release the applicant on bail.

7. Accordingly, the second bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE