

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3286 of 2016

1. Anshul Dubey @ Aakarsh Dubey, S/o. Gouri Shankar Dubey, aged about 21 years, R/o. Motinagar Boriya Road in front of Sharda Petrol Pump, Police Station : Tikrapara Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station : Tikrapara, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. Y.C. Sharma, Advocate

For Respondent/State : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/07/2016

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.53/2016, registered at Police Station – Tikrapara, Raipur, District- Raipur (C.G.) for the offence punishable under Section 307, 341, 34 of Indian Penal Code and Section 25, 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 04.02.2016 one Mohd. Nafiz and Abrar Ahamed were going on bike in order to see Mohd. Aniz, who had sustained injuries in earlier fight, when they reached near Tarun Bazar, chased by the applicant, Anshul Dubey and after overtaking the motor cycle, landed into altercation and Anshul

Dubey had stab the injured, Mohd. Nafiz at his back.

3. Learned counsel for the applicant submits that there was no intention to kill the injured as only one stab injury was caused. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 04.02.2016, therefore, he may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application .
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and statement of the victim. Perusal of the document shows that main allegation of assault is on the present applicant, who has caused the stab injury. Taking into the nature of allegation, facts and circumstances of the case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge