

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5846 of 2016

Annu @ Anand Morya, S/o. Late Ramnath Morya, Aged About 46 Years,
R/o. House No. 214, Malyia Nagar, Tehsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Durg, District Durg,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendra Bharadwaj, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.09.2016

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.10051/2016 registered at Police Station- Mohan Nagar, District Durg (C.G.) for the offence punishable under Sections 294, 506, 323, 325, 326/34 of Indian Penal Code.
2. As per the prosecution case, the applicant along-with other co-accused assaulted one Sanjay Kela by way of Cricket Bat on his head whereby the bone of nose was broken and also ear drum was ruptured and he was admitted to the Hospital; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the injured was not admitted in the Hospital for a single day and on the petty issue, the dispute occurs. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of the victim and medical report. The injured was admitted to the Hospital from 03.05.2015 to 13.05.2015 as his nozzle bone was fractured and also head injury was caused. Considering the same, I am not inclined to release the applicant on bail at this stage.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge