

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7551 of 2015

Narendra Rathore, S/o. Chhedi Lal Rathore, Aged About 35 Years, R/o. Sakti Ward, Bhatapara, Police Station Bhatapara (City) Civil Distt. Baloda Bazar, Revenue Distt. Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Bhatapara (City), Distt. Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. Prakash Kumar Mishra, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

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.239/2015 registered at Police Station- Bhatapara (City), District Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 307 of Indian Penal Code r/w. Section 25 of Arms Act.
2. Case of the prosecution, in brief, is that on 19.09.2015 the complainant while was sitting, the applicant came there and assaulted the victim on his neck and by obstructing it with the hand the injury was sustained on his left wrist; thereby the offence has been committed.
3. Learned counsel for the applicant submits that the story which has been advanced by the prosecution is not probable and the seizure of the sword was made from the spot and it is quite improper that the applicant has thrown the weapon on the spot itself, therefore, it

cannot be stated that there was an intention to kill and, as such, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the injured Sanjay Banjare and other eye witness Sohan Lal. Perusal of the statement would show that the applicant tried to assault the injured on his neck, which was obstructed, therefore, considering the statements made, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge