HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7671 of 2015

Shalu Sheikh @ Suhel Khan, son of Mohd. Usman, aged about 20 years, resident of Dabripara Baikunthpur, Civil and Revenue District Korea, District Korea (C.G). … **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Station House Officer, Police Station Baikunthpur, Distt. Korea (C.G). … **Respondent**

For the applicant : Mr. Anil Gulati, Advocate.
For the Respondent : Mr. Anil S. Pandey, Govt.Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No.76/2015 registered at Police station Baikunthpur, Distt. Korea (C.G) for the offences punishable under Sections 294, 506, 323, 325, 326 & 307 of IPC.
2. As per the prosecution case, in the night of 20.03.2015 at about 9.00 p.m., the complainant along-with his friend had entered into altercation with the applicant over a small accident on the motorcycle and thereafter, the applicant hurled abuses and assaulted the complainant by stick, thereby the complainant received head injury and on CT Scan it was found that the complainant has sustained hair line fracture.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and all of a sudden, the quarrel took place over altercation and the applicant has no criminal back ground therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. Perused the case diary and the statement of the complainant and the MLC which shows that due to assault, the complainant has sustained hair line fracture.
6. Taking into such facts and circumstances and the way in which the offence committed and further looking to the injury caused, I am not inclined to release him on bail, at this stage. Accordingly, the bail application is rejected.
7. The applicant shall be at liberty to repeat the prayer after examination of the victim.

Sd/-
GOUTAM BHADURI
JUDGE

Rao