

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7732 of 2015

Ajay Jaiswal Alias Pintu, S/o. Bishan Lal (wrongly mentioned Bisun Lal in the impugned order), Aged About 30 Years, R/o. Village Dharampur, Police Station & Tehsil Pratappur, District Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Pratappur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K.Pandey, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/01/2016

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.280/2015 registered at Police Station- Pratappur, District Surajpur (C.G.) for the offence punishable under Section 326 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, on 05.12.2015 the complainant Abhishek was talking in front of his house with one Pintu and Vikas, at that time, it was objected by the applicant and thereafter they landed into dispute and the applicant gave a bite to the ear of the complainant whereby the ear was completely separated, therefore, the report was made.
3. Learned counsel for the applicant submits that the applicant was not armed with any weapon and only has gave a bite to the ear of the complainant. He further submits that the applicant has also received injuries for which he made a counter report against the

complainant, which is evident from Annexure A-2; therefore, he 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. Perusal of the case diary and the documents shows that the ear of the complainant has been disfigured. The medical report also supports the contention that the part of the ear was separated by such bite, therefore, taking into such fact and the evidence, 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. However, the applicant is at liberty to repeat the bail application after examination of the victim.

Sd/-
(Goutam Bhaduri)
Judge