

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6749 of 2016

- Dadu @ Dhaneshwar Das Manikpuri S/o Ishwar Das Manikpuri R/o Shiv Mandir Road, Khairagarh, District Rajnandgaon, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through - The Police Station Khairagarh, District Rajnandgaon Chhattisgarh

For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-11-2016

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 7-7-2016 in connection with Crime No.241 of 2016 registered at Police Station Khairagarh, District Rajnandgaon (CG) for the offence punishable under Sections 450. 307/34 of the IPC.
2. Case of the prosecution, in brief, is that on 6-7-2016 the applicant alongwith other co-accused namely Bhupendra @ Pappu Patwa, who is a juvenile entered into the house of victim after he was enlarged on bail in a case under Sections 363, 366 & 376 of the IPC lodged by the victim and assaulted the victim and her sister by way of knife and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the present applicant has been falsely implicated in this case and no offence is made out. He would further submit that

charge-sheet has been filed in this case, the applicant is in jail since 7-7-2016 and no further investigation is necessary, therefore he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary, document.
6. Perused the statements of victim Teeja Bai and the prosecutrix who had earlier lodged report on which a case was registered against the present applicant in which positive allegations have been attributed to the applicant.
7. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence has been committed and further considering the statements of the victim and prosecutrix, this Court is not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju