

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7202 of 2016

- Alwant S/o Shivdhari Harijan Aged About 40 Years R/o Village - Aasandih Vivadand Police Station Raghunathnagar, District Balrampur Civil District Surguja Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station - Trikunda District Balrampur, Civil District Surguja Chhattisgarh

– Respondent

For Applicant : Mr. Bhupendra Singh, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

1. This is 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 26-4-2016 in connection with Crime No. 21 of 2016 registered at Police Station Raghunathnagar, District Balrampur (CG) for the offence punishable under Section 307, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 25-4-2016 the applicant and the complainant entered into the dispute as the ox of the complainant had entered into the house of the applicant and they were beating them which was objected. Subsequently, when the complainant went to wash his hands, at that time the applicant came behind and assaulted him by way of axe on his head as a result of which he sustained grievous injury and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, there was no intention to kill the complainant and due to trivial dispute incident happened. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 26-4-2016 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 and would submit that apart from this case, 11 cases under different Sections of IPC and Cr.P.C., are registered against the applicant.
5. I have heard learned counsel for the parties, perused the case diary and documents
6. Perused the statement of the complainant and medical report wherein positive allegations have been attributed to the present applicant and the documents further shows that 11 cases under different Sections of IPC and Cr.P.C., are registered against the applicant.
7. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, back-ground of the case and further considering the statement of the complainant and medical report and further considering the fact that 11 cases under Sections of IPC and Cr.P.C., are to the credit of the applicant, I am 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