

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2886 of 2016

Swapnil Devdas, Aged About 19 Years, S/o Shri Mansingh Devdas
R/o Jhanda Chouck, Sanjay Nagar, P.S. - Tikrapara, Civ. & Rev.
Distt. Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : P. S. - Tikrapara, Distt. Raipur
Chhattisgarh

---- Respondent

For applicant - Shri Devershi Thakur, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/06/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 621/2015 registered in Police Station Tikrapara Dist: Raipur (C.G.) for offence punishable under sections 302, 201/34 of Indian Penal Code.
2. As per the prosecution case on 26/12/2015 the applicant was standing in Dashera ground, at that time Imran @ Immu, Vikash @ Monu Joshi and Kanhaiya Sonwani came there and asked mobile of the applicant and on being refused to give the mobile, dispute arose and the applicant and other persons entered into scuffle and thereafter the applicant assaulted the deceased Imran by a knife on the neck and other vital parts.
3. Learned counsel for the applicant submits that the applicant was not aggressor and he was attacked and in self defence the injury was caused and there was no intention to cause murder, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that there are as many as four eye witnesses namely Vikash @ Monu Joshi, Kanhaiya, Sushil Baghel and Vikash Sharma.

5. I have perused the case diary. Prima facie it appears that eye witnesses have stated about happening of the incident. Argument raised by learned counsel for the applicant about self defence can be appreciated only at the stage of trial after evidence of the prosecution witnesses are adduced. Taking into facts and circumstances of the case, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE