

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4670 of 2016

1. Kundan Dixit, aged 34 years, S/o. Jagat Narayan Dixit, R/o. Brahmadehi Para, P.S. - Khamtarai, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Khamtarai, Civil and Revenue District – Raipur(C.G.)

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
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For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate.
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.149/2016, registered at Police Station – Khamtarai, District- Raipur (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 27.04.2016 over plying the vehicle a dispute arose in between the applicant and the complainant, Shanker Rao and when the altercation took place, the applicant went inside the house and thereafter with a knife came back and assaulted the complainant, Shanker Rao on his abdomen and caused injury to the thigh. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and in-fact the complainant himself sustained injuries in the accident and the allegation is attributed against this applicant for the reason that some monetary dispute occurred between the parties. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 27.04.2016, therefore, the counsel prays that, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that as many as 44 cases under different Sections of I.P.C. are registered the against the applicant, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the complainant and the case diary. Perusal of the documents shows that as many as 44 cases are to the credit of the applicant. Considering the statement of the complainant and past antecedents of the applicant I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge