

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 233 of 2016

- Chhannu S/o Anjori Rajak Aged About 21 Years R/o Darbantola, Police Station Gandai, Tahsil Chhuikhadan, Distt. Rajnandgaon, Chhattisgarh.
--- Petitioner

Versus

- State of Chhattisgarh through Station House Officer, Police Station Gandai, Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Abhishek Sharma, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 215 of 2015 registered at Police station Gandai Distt. Rajnandgaon (C.G) for the offences punishable under sections 294, 307/34 IPC.
2. As per the prosecution case, a report was lodged by one Surendra Kumar Rajak that on 20.10.2015 while he was working in the field, a dispute took place and thereafter the applicant assaulted injured Mannu Rajak by way of Axe whereby he sustained depressed on right occipital region and on left parietal bone.
3. Learned counsel for the applicant submits that some pipe was stolen away from the field of Surendra Kumar Banjare for which the allegations were attributed to applicant Chhannu. He further submits that because of such allegations, scuffle took place between the applicant party and injured. He further submits that

when the injured tried to intervene the scuffle he sustained injuries, therefore, considering the nature of injury, the intention to kill was not present. He further submits that the applicant is in jail since 21.10.2015 and looking to his detention period, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. perused the case diary and the injury report. The injury report shows that the injured had sustained the depressed fracture of 10mm in size on right occipital region and left superior parietal bone.
6. Taking into nature of injury sustained by the injured and the weapon used, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**