

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2449 of 2016

- Mandeep Gupta S/o Ganga Gupta Aged About 21 Years R/o Village Hasuli; Police Station Dhaurpur; District (Rev. And Civil) Surguja Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Dhaurpur; District (Rev. & Civil) Surguja Chhattisgarh. --- **Respondent**

For the applicant	:	Mr.S.D. Singh, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.05.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.41/2015 registered at P.S. Dhaurpur, District Surguja (C.G) for the offence punishable under Section 341, 294, 506-B, 323, 307, 34 IPC. The first bail application was dismissed on 27.01.2016.
2. As per the prosecution case on 02.10.2015 the complainant Dinesh Gupta was coming back from business and when he reached near the house of Ganga Gupta, at that time, the applicant who was hiding himself with Axe all of a sudden attacked Dinesh Gupta and assaulted him by means of Axe and thereby three injuries were sustained by the complainant.
3. Learned counsel for the applicant submits that evaluating the statements of victim would show that a case u/s 307 IPC is not made out against him, therefore, he may be enlarged on bail. He further submits that out of 18 witnesses, 11 have been examined and evaluating the evidence would not make

out the case against the applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of complainant Dinesh Gupta the victim.
6. Evaluating the evidence and the statement and reading it in between lines are not proper while deciding this bail petition. The statement has to be evaluated after all evidence is on record. Considering the statement of victim, I am not inclined to allow this bail application. Accordingly it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE