

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3602 of 2016

1. Jaman Ali, S/o. Sarafat Ali, aged about 22 years, R/o. City Station, Pandri, Irani Dera, Police Station Civil Lines, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the S.H.O., Police Station – Civil Lines, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	: Ms. Smita Jha, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/07/2016

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.90/2016, registered at Police Station – Civil Lines, Raipur, District – Raipur (C.G.) for the offence punishable under Section 307/34 of the I.P.C..
2. Case of the prosecution, in brief, is that on 03.02.2016, when the victim had went to the Court at that time, in the canteen of the Court, the applicant along with other co-accused has asked for certain information and thereafter at the instance of the other co-accused the applicant took out the knife and assaulted the victim, Deepak Nair by way of knife on his abdomen and chest.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and in-fact the injury has been sustained by the victim due to the fall in the newly constructed building and the injuries are simple in nature, therefore, the applicant may be enlarged on bail. 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim, Deepak Nair, wherein direct allegation have been attributed against the applicant and it is stated that when the victim went to the Court to adduce evidence in some case, attack was made. Further taking in to the fact that as many as four cases of similarly like nature and one case under Section 307 of I.P.C. is registered against this applicant, considering the background and past antecedents of the applicant, I am not inclined to release the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge