

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4696 of 2016

1. Chhannu, S/o. Anjori Rajak, aged about 21 years, R/o. Darbantola, Police Station – Gandai, Tahsil – Chhuikhdan, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Gandai, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Abhisek Sharma, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/08/2016

1. This is the second 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.215/2015, registered at Police Station – Gandai, District- Rajnandgaon (C.G.) for the offence punishable under Section 294, 307/34 of Indian Penal Code. The first bail application was dismissed on 27.01.2016 in M.Cr.C.No.233/2016.
2. Case of the prosecution, in brief, is that 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 by reading of the statement of the injured, no case is made out under Section 307 of I.P.C. and the statement would show that there is no intention to kill and the case under Section 324 is made out. It is further submits that in fact when the quarrel was going in between the parties, the injured intervened and thereafter the dispute took place and there was no intention to kill, 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 injured and the doctor. It would not be proper for this Court to give finding by evaluating the evidence. It appears that most of the witnesses have been examined. Taking into the facts and circumstances of this case, I do not find any change of circumstances to reconsider the bail application, therefore, 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