

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7311 of 2015

- Tulsi S/o Banarsi Aged About 23 Years Caste Panika, R/o Village Salka, Patratoli, P.S. Darima, Tahsil Lakhanpur, Distt. Surguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, P.S. Darima, Distt. Surguja, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. D.N. Prajapati, Advocate.
For the Respondent	:	Mr. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2016

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. 62 of 2015 registered at Police station Darima, District Surguja (C.G) for the offences punishable under sections 307 IPC.
2. As per the prosecution case, on 03.5.2015 the applicant on a dispute arose has caused injury to Vidhun Singh by means of Tabbal, therefore, the offence is committed. The matter was reported by the brother of Ramdhan Singh, brother of injured.
3. Learned counsel for the applicant submits that only one injury was caused to the injured on the right hand, therefore, the case would not fall under the category of Section 307 IPC as the intention to cause death is absent and according to the statement of Vidhun Singh only one injury has been caused on the hand. He further submits that the applicant is in jail since 05.05.2015 and looking to the period of detention, the applicant, may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail and would submit that that causing of injury will not determine the nature of offence but the complainant has supported the case.

5. Perused the statement of Vidhun Singh. A perusal of the statement would show that positive allegations have been made against the applicant, therefore, for consideration of bail, at this stage, I am not inclined to give any opinion on the point whether there was any intention to cause death which is to be adjudicated by the trial Court after all the evidence is adduced.
6. After reading of the prima facie evidence available in the case diary, I am not inclined to release the applicant on bail, at this stage. Accordingly, the bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao