

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7322 of 2015

1. Manish Dubey, S/o. Shailendra Dubey, aged about 34 years, R/o. In front of State Bank, Nayapara, Chakarbhata, Thana – Chakarbhata, District – Bilaspur (C.G.)
2. Pradeep Garhewal, S/o. Ghanshyam Garhewal, aged about 26 years, R/o. Rajiv Gandhi Chowk, Badhai Chaal, Thana-Civil Lines, District – Bilaspur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station – Civil Lines, District – Bilaspur (C.G.)

---- Respondent

For Applicants	: Mr. Achyut Tiwari, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/01/2016

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 applicants who have been arrested in connection with Crime No.559/2015, registered at Police Station – Civil Lines, District – Bilaspur (C.G.) for the offence punishable under Section 294, 506, 307, 34 of I.P.C.
2. Case of the prosecution, in brief, is that on 13.09.2015, the complainant Raja Relwani was called by the applicants to return the amount of loan of Rs.40,000/- when he went there altercation took place and complainant was subsequently assaulted.
3. Learned counsel for the applicant would submit that the applicants have been falsely implicated in this case as Dehati Nalishi would show that the complainant was assaulted at Maharana Pratap Chowk, whereas before the Doctor it was stated that he had sustained injuries

while riding the motor cycle when 3-4 persons intercepted. He would further submit that according to the statement of one Maidy, who intervened in the matter he has not stated such facts, therefore, the applicants have been falsely implicated in this case and therefore, he prays that the applicants 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 and perused the case diary.
6. Perused the statement of the victim as also statement of eye-witness. Perusal of the statement and reading it with MLC report, 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