

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5337 of 2016

1. Abdul Rashid Khan, aged about 25 years, S/o. Late Shri Abdul Gani Khan, R/o. Infront of Husaini Masjid, Talapara, Police Station Civil Lines, Tahsil and District – Bilaspur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Devesh Chandra Verma, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/09/2016

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.468/2016, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 294, 506, 323, 307, 34 of Indian Penal Code.
2. As per prosecution case, a report was made by the victim, Smt. Janet Fitchain alleging that the applicant, who is the auto driver entered into an altercation with the victim and thereafter, the applicant has assaulted the victim by way of knife. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that in-fact the applicant was severely beaten by the husband of the victim, for which a counter report was also made and the applicant was admitted for four days in the hospital, which would be evident from the report made by the applicant. He further submits that the applicant has been falsely implicated in this case and he is in jail since 09.08.2016, 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 case diary and the documents. Considering the medical report and the statement and the fact that charge-sheet is yet to be filed, 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