

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5386 of 2016

Devendra Kumar Sharma @ Bittu Sharma, S/o. Kamalkant Sharma, Aged About 22 Years, R/o. Bramha Bada Gali, Lili Chowk Purani Basti, Raipur, P.S. Purani Basti Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Purani Basti, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Brijesh Singh, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.170/2016 registered at Police Station Purani Basti, District Raipur (C.G.) for the offence punishable under Section 326, 329 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Uttam Joshi that on 01.06.2016 while he was talking to his friend, at that time, the applicant came there and demanded money for liquor, when refused he was assaulted by hand & fist and took out some weapon from his pocket and assaulted on his left cheek.
3. Learned counsel for the applicant would submit that the injury caused is simple and the MLC has not been done by some Government Doctor but it has been done by the Private Doctor, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary, statement of the victim and also the medical report. Considering the statement and medical report, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok