HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5659 of 2016

Aminesh Tiwari, S/o. Shri Raju Tiwari, Aged About 18 Years, R/o. Shanti Nagar, Rajnandgawn, Police Station Rajnandgawn, District Rajnandgawn, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Out Post Chikhali, Police Station Kotwali Rajnandgawn, District Rajnandgawn, Chhattisgarh.

---- Respondent

For Applicant : Mr. Bhupendra Singh, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.09.2016

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.383/2016 registered at Out Post Chikhali, Police Station- Kotwali Rajnandgawn, District Rajnandgawn (C.G.) for the offence punishable under Section 307, 294, 506, 34 of Indian Penal Code.

2. As per the prosecution case, on 08.06.2016 the applicant assaulted the victim Pankaj by way of Knife on the Abdomen and Thigh and thereafter the victim was admitted to the Hospital from 08.06.2016 to 14.06.2016; thereby the offence is committed.

3. Learned counsel for the applicant would submit that the name of the applicant is actually Animesh. He submits that the medical report would suggest that the nature of injury can be stated by the Surgeon and no definite opinion has been given about the nature of injury and the applicant is in jail since 09.06.2016, therefore, he 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 the nature of injury which are inflicted on the Abdomen near Navel, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok