

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5802 of 2016**

- Dipak Kashyap S/O Shri Kailash Kashyap, Aged About 32 Years R/O Gangapur Fokatpara Ambikapur, P.S. Gandhinagar Ambikapur, Distt. Surguja, Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through Police Station Gandhinagar Ambikapur Distt. Surguja, Chhattisgarh ---- **Respondent**

 For Applicant : Mr. Bhupendra Singh Advocate
 For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27-09-2016**

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 on 7-4-2016 in connection with Crime No. 83 of 2016, registered at Police Station Gandhinagar, Ambikapur, District Surguja (CG) for the offence punishable under Sections 294, 506, 323, 384, 307 of the IPC and Sections 3 (2-5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that a report was made by the complainant Arvind Kumar that on 6-4-2016 the applicant demanded money from him for drinking liquor and thereafter assaulted him with wire, dragged him towards well and threw him into well and thereafter he also jumped into well and tried to strangle the complainant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the case and in fact the complainant is the tenant of father of the applicant and the allegations

are not supported by the MLC report as only abrasion on toe and scratches on right shoulder and palm were found and the injuries sustained by the complainant were simple in nature and no injury mark was found on the neck, therefore, false allegations have been attributed to the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 7-4-2016 and no further investigation is required, therefore he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that there is sufficient evidence against the applicant to connect him with the crime in question, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the complainant and also the statements of the witnesses namely Lakshmi Kashyap and Mahesh Kashyap and also the medical report in which positive allegations have been attributed to the applicant.
7. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence and further considering the statements of the witnesses and also the medical report, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju