

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6236 of 2016

1. Keshvendra Mourya @ Nanu, S/o. Late Ramnath Mourya, aged about 35 years, R/o. House No.214, Malviya Nagar, Durg, Police Station Mohan Nagar, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Durg, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Vinod Tekam, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2016

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.219/2016, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.) for the offence punishable under Section 294, 506(B), 323, 325, 326, 34 of the Indian Penal Code.
2. As per prosecution case, the applicant along-with other co-accused assaulted one Sanjay Kela by way of Cricket Bat on his head whereby the bone of nose was broken and also ear drum was ruptured and he was admitted to the hospital, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the injured was not admitted in the hospital for a single day and on the petty issue, the dispute occurs.

He further submits that charge-sheet has been filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that bail application of similarly placed co-accused, Annu @ Anand Morya has been rejected by this Court in M.Cr.C. No.5846/2016 vide order dated 27.09.2016, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, statement of the victim and medical report. The injured was admitted to the hospital from 03.05.2015 to 13.05.2015 as his nozzle bone was fractured and also head injury was caused. Taking into such facts and the fact that bail application of similarly placed co-accused has been rejected by this Court, 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