

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7094 of 2016

- Sheshnarayan Gaikwad S/o Shivdas Gaikwad Aged About 27 Years
R/o Village Kopra, Post Office & Police Station Panduka, District
Gariyaband, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through The Station House Officer, Police
Station Panduka, District Gariyaband, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shivendu Pandya, Advocate
For the Respondent	:	Ms. Sunita jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 150/2015 registered at P.S. Panduka, Distt. Gariyaband (C.G) for the offence punishable under Section 307 IPC.
2. As per the prosecution case, on 19.11.2015 when the complainant Sitaram Dhritlahrey was sitting in front of his house along-with one Virendra Dhritlahrey, at that time, the applicant came there and over some dispute assaulted the injured by way of Axe on his head and when the applicant tried to make second assault it was resisted, however, the injured sustained another injury on his hand, thereby the applicant tried to commit murder of the complainant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and a civil dispute was going on between the parties. It is further submitted that the applicant has also lodged the report on the same day against

the complainant and no offence has been committed by him, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of complainant as also the medical report. It appears that one injury was caused on the skull and another injury was on the hand which is supported by the oral statement of the injured and statement of the eye-witnesses Virendra & Shiva Ram Dhrutlahrey.
6. Considering such statements and the degree of allegations levelled against the applicant as also taking into the totality of the facts and circumstances of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**