

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7418 of 2016

- Radheshyam @ Radhe S/o Sudama Prasad Gupta Aged About 22 Years R/o Minimata Chowk, Krishna Nagar, Supela, Bhilai, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-11-2016

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 14-5-2016 in connection with Crime No. 406 of 2016 registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 307/34 of the IPC and Sections 25/27 of the Arms Act.
2. Case of the prosecution, in brief, is that a report was made by the complainant Devendra Singh @ Goldy that on 3-5-2016 while he was waiting for his brother-in-law and talking to Vikas Gomaji Rangari at Betel Shop, at that time the applicant came there and asked their whereabouts and having disclosed that one of the victims Vikas Gomaji Rangari has come from outside, some dispute took place on the ground that the outsiders are coming and applicant started assaulting by way of sword and other co-accused

persons Raju Shah @ Sonu and Sunil @ Bittu joined there. They assaulted Vikas Gomaji Rangari as a result of which he sustained grievous injuries and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the injuries sustained by the victim are simple in nature and there was no intention to kill the victim. He would further submit that charge-sheet has been filed, the applicant is in jail since 14-5-2016 and no further investigation is necessary, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the injured and medical report wherein 11 incised wounds are reported to have been shown including fracture of ulna bone along with head injury
7. Taking into consideration all the facts and circumstances of the case, nature of offence and degree of allegations and further considering the statement of the injured and medical report, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju