

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7873 of 2016

Durgesh Kolhe, S/o. Tamdeshwar Kolhe, Aged About 24 Years, R/o. Kampa Lodhipara Jaihind Chowk, Police Station Pandri, Raipur, Tahsil & District Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Pandri, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arvind Kumar Dubey, Advocate.

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.12.2016

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.134/2016 registered at Police Station- Pandri, District Raipur (C.G.) for the offence punishable under Section 307/34 of I.P.C. and 25 & 27 of Arms Act.
2. As per the prosecution case, on 25.05.2016, over an old enmity, the present applicant alongwith other co-accused namely Jitendra Singh assaulted the victim Rajesh Verma by way of Knife; thereby, the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the nature of injury is simple, 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 and the statement of the witness Laxmi Narayan Verma & Smt. Jyoti Verma. The injury has been inflated for the reason that some report has been made by the complainant against the present applicant and others and the applicant insisted the complainant for taking back the report and having not been done, the injury was inflated. The injured Rajesh Verma in his statement stated that the applicant tried to inflict injury on his abdomen but he avoided by way of his leg. Taking into the background for which the injury was inflated and the number of injuries which are seven in numbers, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge