

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7856 of 2016

- Ram Krishna @ Krishna Jaiswal S/o Dukhiram Jaiswal Aged About 22 Years R/o Village Jamunahi, Police Station Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : The District Magistrate, Bilaspur Chhattisgarh

---- **Respondent**

For Applicant : Mr. N.K. Mukherjee, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-12-2016

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 on 3-8-2016 in connection with Crime No. 183 of 2016, registered at Police Station Ratanpur, District Bilaspur (CG) for the offence punishable under Sections 120-B, 294, 506, Part-II, 307/34 of the IPC.
2. Case of the prosecution, in brief, is that on 2-8-2016 wife of the complainant, Parasnath Jaiswal called her husband by phone and to accompany the present applicant while he was coming at distance place. When the applicant reached at Ratanpur, at that time the applicant forcibly took the complainant on his cycle, they were going to Korba Bhavar forest, the applicant stopped his cycle near Kaka Pahad and thereafter assaulted him by way of knife on

the ground that why he had married Marni. The complainant fell down and the applicant fled away from the spot and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there was no intention to kill the complainant, therefore, no offence is made out under Section 307 of the IPC. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 3-8-2016 and no further investigation is required, 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 other documents.
6. Perused the medical report and the statement of the complainant wherein positive allegations have been attributed to the applicant and the medical report shows that vital injury was inflicted on the neck of the complainant.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence was committed and further considering the medical report and the statement of the complainant, this court is 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

