

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7932 of 2016

1. Naresh Rajak @ Raja S/o Late Shivkumar Aged About 19 Years R/o Old Santoshi Temple, Chatidih, Police Station Sarkanda, District Bilaspur, Chhattisgarh.
2. Durgesh Rajak @ Lallu S/o Late Shivkumar Aged About 20 Years R/o Old Santoshi Temple, Chatidih, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Suresh Kumar Verma, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicants who have been arrested on 30-8-2016 in connection with Crime No. 511 of 2016 registered at Police Station Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 294, 307/34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Vinod Kumar Yadav, father of the injured that on 3-8-2016 present applicants along with other co-accused persons due to previous animosity assaulted his son Jai Yadav by way of knife on his abdomen as a result of which he sustained grievous injury and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the statement of the injured was recorded after ten days of the incident. Initially when the patient was admitted in the hospital, it was a suicidal attempt and only one injury has been found, therefore, there was no intention to kill the injured. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 3-8-2016 and no further investigation is necessary, therefore they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the medical report and statement of the victim wherein it is alleged that one of the applicants caught hold of the injured and other inflicted injury on his abdomen by knife. Medical report shows that intestines came out due to injury sustained by the injured.
7. Taking into consideration all 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 injured, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed..

Sd/-
(Goutam Bhaduri)
Judge

