

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8211 of 2016

Kushal Sahis, S/o. Shri Kishun Sahis @ Kishanu, Aged About 18 Years,
R/o. Ward No.2 Jhalap Chowk Bagbahara, Police Station Bagbahara, Civil
& Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station
Bagbahara, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sumit Shrivastava, Advocate.

For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.12.2016

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.195/2016 registered at Police Station- Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 307/34 of Indian Penal Code.
2. As per the prosecution case, on 24.09.2016 the applicant alongwith other co-accused namely Shobhit while the victim was in the Car, the other co-accused wanted sexual favour and on refusal, the other co-accused being enraged assaulted the victim by way of blade on her neck and thereafter fled away.
3. Learned counsel for the applicant would submit that the entire allegations is on the other co-accused Shobhit and this applicant has not assaulted the victim, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of the victim and also the medical report. The medical report shows that total five injuries were caused and the allegation is attributed to Shobhit that he has committed the offence, however, it is further stated that the present applicant was also present there and encouraged the applicant and thereafter the victim was left and they fled away and when she came in conscious, the report was made. Taking into the role played by the present applicant, 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