

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6575 of 2017

- Jaykant Nayak S/o Shri Suraj Nayak, Aged About 24 Years R/o Gram - Budeli, Police Station And Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baramkela, District Raigarh Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Prateek Sharma, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.43/2017 registered at Police Station Baramkela, District Raigarh for the offence punishable under Section 307/34 & 201/34 of IPC.

3. Case of the prosecution is that the victim was assaulted by an axe and the applicant may caught hold of the victim.

4. Learned counsel for the applicant submitted that the manner, in which, the offence alleged to have been committed, the applicant cannot be said to have involved in the offence.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that as per the case diary statement recorded under Section 161 Cr.P.C. of the victim, he was made to drink and taken to forest and the applicant started quarreling in relation to old dispute and caught hold of the victim by hand and other co-accused took out an axe from the motorcycle and started assaulting on the head of the victim, therefore, prima facie case is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, at this stage, I am not inclined to grant bail to the applicant.
7. Accordingly, the application is rejected.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E