

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 255 of 2017

- Ilu Garg S/o Ranjan Garg, Aged About 21 Years R/o Devrikhurd, Housing Board Colony, Police Station- Torwa, Civil And Revenue District- Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Torwa, District- Bilaspur Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-01-2017

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 2-9-2016 in connection with Crime No. 219 of 2016, registered at Police Station Torwa, District Bilaspur (CG) for the offence punishable under Sections 341, 294, 506, 323, 147, 148, 149, 325, 307 of the IPC..
2. Case of the prosecution, in brief, is that a report was made by the complainant Ramkumar Tiwari that on 23-07-2016 the complainant along with injured Goldi went to Check Dam at Deorikurd and while they were coming back, they were stopped on the way by the present applicant and another and thereafter present applicant and other co-accused started assaulting the injured. Other co-accused Cheeku assaulted the injured by way of sword and present applicant assaulted him by way of Hockey stick whereby he sustained grievous injury on his head 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, initially medical report would show that it was shown to be simple injury and subsequently it has been shown to be grievous injury. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 2-9-2016 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 and would submit that there is sufficient evidence against the applicant and apart from this case, two cases under Sections 341, 294, 323, 506, 34 of the IPC were registered against the applicant in the year 2015, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement and medical report of the injured wherein direct allegations are attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence and further considering the statement and medical report of the injured and also the fact that two case are to the credit of the applicant and within a short proximate time again offence has been committed, I am of the considered opinion, *prima facie* that it is not a fit case where the applicant can be enlarged 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