

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 855 of 2017

- Deepak Sahu S/o Parmanand Sahu, Aged About 35 Years Caste Teli, R/o Ward No. 11 Dabra Para, Mahasamund, Tehsil & District Mahasamund, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Police Station Baghbahra, Mahasamund, District Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Ankur Agrawal, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 207/2016 registered at P.S. Bagbahra, Distt. Mahasamund (C.G) for the offence punishable under Sections 307 of IPC.
2. As per the prosecution case, one Raj Kumar Naik was assaulted by the present applicant by a screw-driver on his neck and other parts of the body over a dispute which was enough to cause death.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the injury was simple in nature, therefore no allegations can be attributed to the present applicant. He further submits that the charge sheet has been filed and the applicant is in jail since 14.10.2016. It is also submitted that the other accused have been enlarged on bail by this Court, therefore, the present applicant may also be granted bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim. The main allegation of assault by screw-driver is attributed to the applicant. The medical report also shows that two lacerated wounds and one stab wound were caused.
6. Since the main allegation of assault is on the present applicant, his case is not similar to that of the other accused who have been enlarged on bail. Taking into the facts and circumstances of the case especially the fact that the main allegation is on the present applicant and further considering the medical report, I am not inclined to allow this bail application. Accordingly it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**