

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1662 of 2017

- Anil Jaiswal S/o Late Vishwanath Jaiswal, Aged About 34 Years R/o Odari, Police Station- Chalgali, District-Balrampur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station- Chalgali, District- Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sandeep Yadav, Advocate

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-03-2017

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 17-12-2016 in connection with Crime No. 46 of 2016, registered at Police Station Chalgali, District Balrampur (CG) for the offence punishable under Sections 341, 307/34 of the IPC.
2. As per prosecution case, on 14-11-2016 a report was made by one Vijay Chaurasiya that on 14-11-2016 he went to Odari Market along with his friend Ripusudan Patel and while they were coming back, they went to shop of Anil Jaiswal where they consumed liquor and chicken, thereafter present applicant demanded car from Ripusudan Patel for some time, having refused the dispute started which aggravated and thereafter present applicant and other co-accused Shyam Sunder started assaulting the complainant and Ripusudan Patel by clubs whereby Ripusudan Patel sustained grievous injuries over head and face and his right leg and right jaw were also broken 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, there was no intention to kill the injured. It is further submitted that the injured persons and present applicants are friends and only on trivial issue the dispute occurred. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 17-12-2016 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 apart from this case, seven criminal cases are registered against the applicant, therefore, the applicant does not deserve to be released on bail.
5. I have heard learned counsel for the parties, perused case diary and documents. It appears that seven criminal cases out of which four cases under different Sections of Cr.P.C., and three cases under different Sections of IPC are to the credit of the applicant.
6. Taking into consideration the facts and circumstances of the case, nature of allegations and degree of offence and further considering the background and past antecedents of the applicant, I am not inclined to release the applicant on bail.
7. 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