

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 42 of 2017

1. Balram Dubey S/o Shri Laxmi Narayan Dubey Aged About 40 Years
R/o Balaji Nagar, Aghanpur, Police Station- Parpa, Jagdalpur,
District- Jagdalpur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station-
Kotwali District- Bastar, Chhattisgarh. --- **Respondent**

For the applicant	:	Dr. N.K. Shukla, Sr. Advocate with Mr. Vivek Ranjan Tiwari, Advocate
For the Respondent	:	Mr. Avinash K. Mishra, Panel Lawyer
For the Objector	:	Mrs. Fouzia Mirza and Mr. Praveen Tulsyan, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 330/2016 registered at Police Station Kotwali, Distt. Bastar (C.G) for the offence punishable under Section 307 IPC.
2. As per the prosecution case, on 04.10.2016 the applicant assaulted one Tarun Chauhan who is a practicing advocate and inflicted 3 to 4 stab injuries by knife which were enough to cause death thereby the offence has been committed. The dispute arose over the payment of professional fee between the parties.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and in fact the applicant was assaulted by complainant Tarun Chauhan and

in self-defence he tried to restrain the complainant and in that process, the complainant sustained the injuries. It is further submitted that in the FIR, dying declaration and the statement u/s 161 Cr.P.C., different motives have been shown, therefore, the intention would be clear that the applicant has not committed any offence but all the rights were exercised for self-defence. It is further submitted that the place where the incident has happened, it is heavily crowded and except the statement of complainant, no other statements were recorded which would go to show the false implications. He further submits that the charge sheet has been filed and the applicant is in jail since 05.10.2016.

4. Per contra, learned State Counsel as also learned counsel for the objector oppose the bail.
5. Perused the case diary and the statement of complainant Tarun Chauhan as also the medical report. The medical report shows that the complainant has sustained lacerated wound of 8 cm over the abdomen and multiple lacerated injuries on the left side of the abdomen as also an injury over the chest. The case diary shows that the complainant was also subjected to surgery and was admitted to hospital for 10-21 days.
6. Taking into consideration the nature of weapon used i.e., knife and further considering the medical report and the statement of complainant, I am not inclined to release the applicant on bail. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**