

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8503 of 2016

- Arun Kumar Sahu S/o Sukhram Sahu Aged About 33 Years
R/o Village Shuklabhata, Post Office & Police Station
Magarlod, District Dhamtari, Chhattisgarh, Present R/o
Village Bagoud, Post Office & Police Station Kurud, District
Dhamtari, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station Magarlod, District Dhamtari, Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. P. P. Sahu, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.1.2017

1. This is second 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. 119 of 2016 registered at P.S. Magarlod, District Dhamtari(C.G) for the offences punishable under Sections 307, 325, 147, 294, 323, 506 of IPC.
2. As per the prosecution case, on 26.06.2016 an altercation took place between the applicant party and the complainant party and the dispute was further aggravated which led to assault. It is alleged that the complainants were assaulted by the present applicant and others by way of brick bats, club and wooden logs of bullock carts.
3. Learned counsel for the applicants would submit that the first bail application of applicant was dismissed on 27.09.2016 and thereafter the Doctors in this case have been examined

as P.W.7 & P.W.8 and according to the Doctors, the injury which was caused is simple in nature, therefore, according to the statements of the doctors, no offence u/s 307 IPC is made out against the applicant and hence the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. The doctors have been examined at length.
6. The earlier bail application has been rejected on merits.

Therefore, at this stage, it would not be proper for this court to discuss the evidence of the Doctors by reading in between lines and form an opinion for reconsideration of grant of bail as it would amount to usurping the power of the trial Court. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**