

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 64 of 2018

- Sanjay Kumar Sahu S/o Late Chhatram Sahu, Aged About 25 Years
R/o Jungle Side, Talshara Road, P. S. Banki Mongra, District Korba
Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Korba Chhattisgarh
P. S. Banki Mongra, District Korba Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. S. V. Purohit, Advocate
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/03/2018

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 in connection with Crime No.171/2015, registered at Police Station- Banki Mongra, District – Korba(C.G.) for the offence punishable under Sections 307, 452 of Indian Penal Code (for short 'IPC') and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 23.12.2015. The case is pending before the trial Court and a number of witnesses have been examined. It is submitted that on the basis of the evidence that has been adduced by the prosecution

before the trial Court, no case is made out against this applicant, as the prosecution story is full of doubt. The real cause of incident had been a dispute between the injured and the applicant regarding purchase of a house. Some of the witnesses have stated that when they met with injured for the first time and asked about the name of assailant, she disclosed that it was her husband. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the prayer and submissions made in this respect. It is submitted that no case is made out for grant of bail as the injured in this case has received total 11 incised wounds out of which two found on her neck were reported to be fatal by the treating doctor. Apart from that, all the witnesses examined have not stated against the prosecution and some of the witnesses have duly supported the prosecution case. Hence, the application is rejected.
4. Heard both the parties and perused the case diary.
5. It is alleged that on the date of incident i.e. on 21.12.2015 at about 7.30 in the evening, applicant forcibly entered the house of complainant and assaulted her with a sickle causing 11 injuries to her. The victim was admitted in the hospital where her dying declaration was recorded in which she made statement against this applicant. FIR was lodged on 22.12.2015, naming this applicant as assailant. Presently the case is pending before the trial Court.
6. Perused the entire material present in the case and also the documents filed along with this application.
7. As regards the submission of learned counsel for the applicant that the case against this applicant is not made out, according to the evidence before the trial Court, such scrutiny of evidence is not within the scope

of this Court while exercising jurisdiction under Section 439 of the CrPC. All the evidence that has been narrated and read over shall be analyzed and scrutinized by the trial Court and finding on the same shall be given accordingly. Hence, looking to the nature of allegations levelled against the applicant and evidence present in the charge-sheet, I am of this view that he is not entitled for grant of bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha