

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3117 of 2018

Mahesh Nishad S/o Late Budharuram Nishad Aged About 30 Years
R/o Gandhi Chowk, Sadoo, Police Station Vidhansabha, Tahsil And
District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Vidhansabha, District
Raipur, Chhattisgarh.

---- Respondent

For applicant - Ms. Aparajita Gaikwad, Advocate.
For Respondent/State –Smt. Madhunisha Singh, PL.
For objector-Shri Vipin Tiwari, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/07/2018

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.30/2018 registered in Police Station Vidhansabha, District Raipur (C.G.) for offence punishable under sections 307/34, 506, 294 of the IPC.
2. As per the prosecution case, on 20/01/2018 in the fare at village Saddu at about 11' O clock complainant Durgesh Yadav and Rupeshwar Dhiwar had went wherein some cultural programme was going on, at that time the applicant came there and on the old enmity assaulted by way of weapon on their head and other parts which was enough to cause death.
3. Learned counsel for the applicant submits that injury of the nature do not fall under section 307 of IPC and only on the assumption the charges have been framed and the trial may take some time, there was no intention to cause death, as such the applicant may be released on bail.
4. Learned State counsel and counsel for the objector opposes the prayer for grant of bail and counsel for the objector would submit that

nature of the injury would show that it was fatal assault made by way of sword.

5. Perused the case diary. Case diary shows that Durgesh Yadav sustained 3 injuries and Rupeshwar Dhiwar also sustained 3 injuries. Considering the nature of injury and MLC report, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE