

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3607 of 2018

Yashwanth Sahu @ Chhotu, S/o Sahdev Sahu, Aged About 32 Years, R/o Village Purai, Milpara, Utai, District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - The District Magistrate, Durg, District - Durg, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Amiyakant Tiwari, Advocate.

For Non-Applicant/State : Shri V. B. Singh, P. L.

Hon'ble Shri Justice Sanjay Agrawal

Order On Board

03.08.2018

1. The applicant has filed this bail application under Section 439 of the Code of Criminal Procedure for grant of bail, as he is in custody since 08.02.2018 in connection with Crime No.50/2018, registered at Police Station Utai, District Durg for the offence punishable under Section 307 of Indian Penal Code, 1860 (for short 'IPC')
2. The case of the prosecution is that, because of the previous enmity, the applicant has assaulted the complainant i.e. Fatte Bahadur Singh, with the aid of wooden club (Fatta), as a result of which the complainant has received serious injuries on his head and immediately thereafter he was admitted into the hospital on

07.02.2018 and was discharged on 15.02.2018. Based on this incident, the FIR was registered before the concerned police station on 07.02.2018 in connection with the offence under Section 307 of the IPC.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the said crime. He submits further that even if the entire prosecution case is accepted as it is, he cannot be punished with regard to the offence, as registered by the concerned Police Station, Utai. He submits further that since the injuries sustained by the complainant was not within the definition as provided under Section 320 of the IPC, therefore, the applicant who has been arrested on 07.02.2018, may be released on bail.
4. On the other hand, learned State counsel opposes the bail application and stated that on the date of incident i.e. 07.02.2018, the complainant was assaulted badly on his head by the applicant with the aid of wooden club (Fatta) and as a result of which he received serious injuries and was admitted into the hospital for more than 8 days. He further submits that under such a serious act, the applicant does not require to be enlarged on bail.
5. I have heard the learned counsel for the parties and perused the entire relevant paper annexed with this petition.
6. Having considered the facts and circumstances of the case and that by considering the manner in which the complainant was assaulted by the applicant with the aid of wooden club (Fatta) on his head and also by considering the fact that he was

immediately admitted into the hospital on 07.02.2018 and was remained upto 15.02.2018, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application is rejected.

Sd/-
(Sanjay Agrawal)
Judge

Deepti Jha