

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7635 of 2018**

Ashish Dheewar, S/o Pappu Dheewar, Aged About 21 Years, R/o Naya Talav Par, Kota, House No. 1841/61 Police Station Saraswati Nagar, Raipur, District - Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through, Police Station - Saraswati Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-Applicant

For Applicant : Shri G. M. Hasan, Advocate.

For Non-Applicant/State : Shri Adil Minhaj, P. L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****30.10.2018**

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 18.06.2018 in connection with Crime No.103/2018, registered at Police Station Saraswati Nagar Raipur, District Raipur (C. G.) for the offence punishable under Section 307 of Indian Penal Code, 1860 (for short 'IPC') read with Section 25 and 27 of the Arms Act, 1959.
2. The case of the prosecution is that on 17.06.2018 at about

9:00pm, the applicant attacked to the complainant, Kishan Jangde on account of his previous enmity with the intention to kill him and assaulted by knife, as a result of which the right eyebrow of the complainant has been injured and he also received serious injuries on his stomach and was hospitalized from 17.06.2018 upto 22.06.2018. Based upon the alleged incident the complaint was immediately lodged by the complainant by alleging the name of the applicant, Ashish Dheewar and after investigating the matter, the concerned Investigation Officer has submitted its charge sheet on 14.07.2018 for the offence mentioned herein above.

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 only because of previous enmity his name has wrongly been mentioned by complainant by lodging the alleged report. He submits further that applicant is in jail since 18.06.2018 and trial may take some time, therefore, he may be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application and submits that as per the report lodged by the complainant, it is apparent that he was assaulted badly by the applicant with the knife. He submits further that on account of the alleged incident the complainant was operated and remained in hospital for over more than 6 days. He further submits that the alleged offence as committed is serious in nature, therefore, applicant is not entitled to be enlarged on bail.

5. I have heard the learned counsel for the parties and perused the entire case diary carefully.
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 knife and also by considering further the fact that the alleged used weapon was recovered from his possession, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Sanjay Agrawal)
Judge