

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7079 of 2017

Gangadhar Kuresiya, S/o. Shri Rekhchand Kuresiya, Aged About 28 Years, R/o. Vill-Sakra, P.O. Jaganaghpur, Tahsil Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-Kuakonda, District Dantewada, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mateen Siddiqui, Advocate

For Respondent : Mr. Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.01.2018

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.33/2017 registered at Police Station- Kuakonda, District South Bastar-Dantewada (C.G.) for the offence punishable under Section 457, 307 of Indian Penal Code.
2. As per the prosecution case, on 12.09.2017 the applicant forcefully entered into the ANM room in the Primary Health Center and when it was objected by the Doctor at the Center, the applicant assaulted him by way of stab injury on his abdomen, which was enough to cause his death.
3. Learned counsel for the applicant would submit that in-fact the applicant was called by the girl (ANM) herself in the room and when he entered there, the injured was also present, therefore, some altercation took place and during such altercation the injury was caused; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim Dhirendra Khute. Considering the statement and nature of stab injury whereby intestine also came out and the injured was operated in emergency, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge