

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1807 of 2019**

Narayan @ Golu S/o Ashram Chandrakar Aged About 31 Years R/o
 Dhobaghatti, Police Station Pandatarai, District Kabirdham
 Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Kabirdham District
 Kabirdham Chhattisgarh., District : Kawardha (Kabirdham),
 Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Azad Siddiqui, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**24/04/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 21/01/2019 in MCRC No.9407/2018.
2. The applicant has been arrested in connection with Crime No.181/2018 registered in Police Station Pandariya, District Kabirdham (C.G.) for the offence punishable under Section 307 and 384 of IPC.
3. Case of the prosecution, in brief, is that on 24.09.2018 at about 17:30 hrs at village Pandariya in front of liquor shop, the applicant demanded money from complainant Mallu consuming alcohol and when the complainant denied for giving the money, the applicant came along with knife and caused injury on his neck. As per MLC report of complainant, two sharps cutting were present on his neck. Size of one injury was 12cm x ½ cm x skin deep and size of another injury was 10cm x ½ cm x skip deep. Injuries were found by sharp object and nature was grievous. As per query report of doctor, if proper treatment would not have been provided, then the complainant could have died.
4. Counsel for the applicant further submitted that allegedly there is no reason for causing the alleged crime by the applicant, eight witnesses have been examined, out o which maximum witnesses have been turned hostile. He drew my attention on true copy of the statement of some prosecution witnesses which are the part of the bail application.

5. Counsel for the State submits that there is no antecedents of the applicant is reported in police case diary.
6. Mere turning hostile of some prosecution witnesses is itself not sufficient ground to enlarge the applicant on bail. In the case in hand complainant had stated against the applicant in examination-in-chief.
7. It is well settled legal position that while deciding the bail application Court cannot scrutinized or appreciate the evidence Court can also does not touch the merits and demerits of the case.
8. There is no change in the circumstances of the case on strength of which the applicant be released on bail. Consequently second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde