

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3282 of 2019

- Yogendra Kumar Dheewar, age- 18 years, Shri Thaanuram Dheewar, R/o Bazaar Chouck, Mova Police Station - Pandri District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Pandri, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-01-2019 in connection with Crime No.31/2019 registered at P.S. - Pandri, District Raipur, Chhattisgarh for the offence under Section 307/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 25-01-2019. No case is made out against the applicant for commission of offence of attempt to commit murder on the basis of the evidence present in the case dairy. It is also argued that one FIR was lodged against the complainant on the basis of which charge sheet has been filed against the complainant for committing offence under Section 323, 324 and 326 of the IPC. Therefore, the applicant has a ground to defend himself on the basis of right to exercise of private defence. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is the main accused who has assaulted victim of

this case, Sanjay @ Purushottam Sahu 8 times by using a knife causing fatal injuries to him. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on the date of incident because of some dispute this applicant along with juvenile offenders made assault on victim Sanjay @ Purushottam Sahu with knife causing 8 injuries on his body. Out of which 5 injuries are stab injuries. Hence, this case.

6. After considering facts and circumstances present in this case, I do not feel inclined to grant bail to this applicant.

7. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge