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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6154 of 2020

Shiv Kumar S/o Guleshwar Aged About 23 Years R/o Village Heth Ghich, Out Post Dokra, Tahsil Farsabahar, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh **--- Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station Out Post Kardega, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh **--- Respondent**

For the applicant : Mr. Awadh Tripathi, Advocate
For the State : Mr. Gagan Tiwari, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.12.2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 91/2019 registered at Police Out post Kardega, P.S. Tapkara Distt. Jashpur (C.G) for the offences punishable u/ss 307, 450, 398/34 of IPC and section 25, 27 of the Arms Act.
2. As per the prosecution case, on 27.09.2019, 3 persons have entered into the house of Samaru and committed decaity. When Samaru tried to resist the dacaity, the knife injury was caused to him, thereby he sustained grievous injury.
3. Learned counsel for the applicant would submit that this applicant has been arrested after 3 months of the incident on the memorandum statement of the co-accused Munna Ram and except the memorandum, no evidence exists against this applicant.
4. Per contra, learned State Counsel opposes the arguments

and submits that Samaru has still not been examined.

5. Considering the gravity of offence committed and since the statement of the victim has not been recorded before the Court, I am not inclined to allow this bail application. Accordingly, I am not inclined to allow this bail application.

Sd/-
GOUTAM BHADURI
JUDGE

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