

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1729 of 2021**

- Anil Kumar Sen S/o Ashok Kumar Sen Aged About 22 Years R/o Village Sitaibandh Police Station Rajim District Gariyaband Chhattisgarh Present Address House Of Dilip Sahu Lalpur Police Station Tikrapara Raipur District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Tikrapara Raipur District Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Shashank Thakur, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/07/2021**

1. Heard.
2. 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 on 26.08.2020 in connection with Crime No.326/2020 registered at Police Station Tikrapara, Raipur, District Raipur (CG) for the offence punishable under Sections 307, 323 of I.P.C.
3. As per the prosecution case, on 25.08.2020 the applicant who was tenant of the injured Ajay Kumar Sahu on a trivial issue to bring a cigarette entered into the dispute. Thereafter, the applicant assaulted the injured with a knife on his neck

and chest which was homicidal in nature.

4. Learned counsel for the applicant submits that in the doctor's opinion it has not been stated clearly that the injury was fatal to life and on the trivial issue the incident happened, therefore, there was no intention to kill. He would therefore, pray that the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that two injuries were in the vital part of the body i.e. the neck & chest and were homicidal in nature according to the doctor.
6. Considering the nature of injury caused by the applicant on a trivial issue on the vital part of the body, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu