

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5028 of 2021

- Thanwar Sahu, S/o Bisaru Ram Sahu, Aged About 72 Years, R/o Village Killapara, Simga, Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police of Police Station Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh. **---- Non-Applicant**

For Applicant : Mr. Anil Gulati, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.08.2021

- 1) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 14.02.2020, in connection with Crime No. 64/2020 registered at Police Station- Simga, District- Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 307 of IPC.
- 2) Case of the prosecution, in brief, is that on 13.02.2020 the present applicant with intention to kill the victim- Laxman Sahu brutally assaulted him with sharp edged weapon- Axe, broke his five numbers of teeth, cut his tongue, injured his face and chick. Had prompt treatment been not provided to him, he would have succumbed to the injuries.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant has no criminal antecedents, there is no likelihood of the

applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 14.02.2020 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that assault made by the applicant by Axe caused grievous injuries to the victim.
- 5) Having heard learned counsel for the parties.
- 6) Having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, nature of the injuries sustained by the victim, his tongue cut off, teeths were broken and looking to the statements of the complainant and victim, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.
- 7) Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim