

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6641 of 2021**

Anil Kumar Sen S/o Ashok Kumar Sen Aged About 22 Years R/o
Village Sitaibandh, Police Station Rajim District : Gariyabandh,
Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer Police Station
Tikrapara, District- Raipur, Chhattisgarh. --- **Respondent**

For the Petitioner	:	Mr. Atanu Ghosh, Advocate.
For the State	:	Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****22.10.2021**

1. This is second 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. 326 of 2020 registered at Police Station Tikrapara, Raipur, District Raipur (C.G) for the offences punishable under Sections 307, 323 of IPC. The first bail application was dismissed on 06.7.2021.
2. 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 a dispute. Thereafter, the applicant assaulted the injured with knife on his neck and chest which was homicidal in nature.
3. Learned counsel for the applicant submits that complainant Ajay Sahu has been examined in this case and he has not supported the case of prosecution, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Learned State Counsel opposes the bail and submits that as per the

Doctor, the injuries are grievous in nature and the Investigating Officer has not yet been examined in this case.

6. Considering the submission of learned State Counsel and after going through the statement of Ajay Sahu as also the fact that still the Investigating Officer has not been examined, giving an opinion at this stage would amount to holding the trial while deciding the bail application. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao