

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8359 of 2021**

Naresh Verma (Basone) S/o Dulichand Verma Aged About 34 Years R/o Village
Parsuli Tahsil Lanji District Balaghat (Madhya Pradesh)

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Bortalav,
District Rajnandgaon Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. C.R. Sahu, Advocate
For State	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/12/2021**

1. The present is a repeat bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 08/2021 registered at Police Station Bortalav, District Rajnandgaon, Chhattisgarh for the offence punishable under Sections 294, 323, 324, 506, 452, 307, 34 of the Indian Penal Code and Sections 25, 27 of Arms Act. The present applicant is in jail since 27.02.2021.
2. The earlier bail application was decided on merits on 05.08.2021 just around 4 months back vide MCRC No. 4055/2021. The repeat bail application has been filed in the light of the liberty which was reserved for the applicant to revive after the injured witness examined. The injured witness in the instant case is the father in law of the applicant. The copy of the evidence of the injured witness is filed along with the memo of the bail application.
3. The plain perusal of the evidence of the injured would show that the injured has in fact supported the case of the prosecution and have

categorically stated that it was the applicant who has committed the offence and it was he who has caused the injuries upon the father in law-complainant.

4. Learned counsel for the applicant submits that the plain reading of the evidence of the said complainant would show that the case has not been made out for the offence under Section 307 at best it would be a case under Section 324 and therefore the application for bail be considered.
5. The State counsel on the other hand opposing the bail application submits that it is a case where the applicant has been identified by the father in law, so far as the assault is concerned. Moreover, the weapon has been seized and the applicant in the instant case is the son in law of the injured witness. The State counsel further submits that it is a case where the injured has also supported the case of the prosecution in his Court's statement. The medical report also supports the case of the prosecution and therefore it is not a fit case for the applicant to be released on bail at this juncture.
6. Having heard the contentions put forth on either side and on perusal of record, taking into consideration the entire facts and circumstances of the case, more particularly the statement of the injured and the nature of injuries caused, this Court is of the opinion that not a fit case for grant of bail at this juncture. The bail application accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge