

**(2018) 02 CHH CK 0291**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 308 Of 2018

Rameshwar Nishad

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** Feb. 16, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 307
- Code Of Criminal Procedure, 1973 - Section 439

**Hon'ble Judges:** Sharad Kumar Gupta, J

**Bench:** Single Bench

**Advocate:** B.L. Sahu, M. Asha

**Final Decision:** Dismissed

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**Judgement**

Sharad Kumar Gupta, J

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending

before any other Court.

2. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 113/2017 registered at Police Station- Nandni

Nagar, Civil and Revenue District - Durg (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.

3. Case of the prosecution, in brief is that on 02.05.2017 at 8 am at village Lahanga, applicant caused injuries on the body of the complainant Ajit

Banjare on his neck and back by an axe. As per injury report, two lacerated wounds were found on neck and back caused by hard and blunt object.

The injuries were grievous in nature.

4. In the query report, the doctor has written that if the injuries were not treated in time, the injured could have died due to excessive bleeding.

5. Learned counsel for the applicant argued that the doctor- Shushma Gond, P.W. 4 has been examined in the Trial Court as prosecution witness. In

M.L.C. and query reports, the doctor has mentioned that the injuries could have been caused by hard and blunt object, there is no injury on the vital

part of the injured, thus, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.

7. Earlier, the first bail application of the applicant has been rejected by this Court on 03.11.2017 in MCRC No. 4989 of 2017 considering the merits of the case.

8. Mere examination of the doctor, mentioning the hard and blunt object in M.L.C. report as well as query report do not change the circumstance which may entitle the applicant to get regular bail in second round.

9. Looking to the entire materials available on record, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

10. Consequently, the present bail application is rejected.

11. Certified copy as per rules.