

The High Court Of Madhya Pradesh**MCRC-32634-2020***(DADU@DADDU BAIGA Vs THE STATE OF MADHYA PRADESH)***Jabalpur, Dated : 23-10-2020****Heard through Video Conferencing.**

Shri Anurag Sahu, learned counsel for the applicants.

Shri Harsh Gupta, learned Panel Lawyer for the respondent/State.

Heard on this first application under Section 439 of Cr.P.C. filed on behalf of the applicant for grant of bail.

The applicant is in jail since 18.5.2020 in connection with Crime No.151/2020 registered at Police Station-Gorabazar, District Jabalpur for offence punishable under Section 307 of IPC.

The case of the prosecution, in short, is that, on the date of incident, a dispute arose between the present applicant and injured Sajan Baiga and the applicant threatened to see him. Thereafter, in the night, when injured Sajan Baiga, Rohit Baiga and Deepu Baiga were sleeping inside the room, the applicant came inside the room and inflicted injury to injured Sajan Baiga on his neck by means of an axe. Thereafter, Rohit Baiga and Deepu Baiga took injured Sajan Baiga to the hospital.

Learned counsel for the applicant submits that after investigation, charge-sheet has been filed and the applicant is not required for any further investigation. It is further submitted that as per allegation, three persons were sleeping in the room, which was locked from inside, therefore, it is not possible for the applicant to enter in the room and cause injury to the injured Sajan Baiga. The applicant has falsely been implicated in this case. In such circumstances, it is prayed that the applicant may be released on bail.

On the other hand, learned Panel Lawyer for the respondent/State has vehemently opposed the application.

Having heard the learned counsel for the parties and on a perusal of the case diary, though injured Sajan Baiga was still alive but in his dying declaration, he has categorically mentioned about the act committed by the applicant. In such circumstances, looking to the gravity of offence committed by the applicant, this Court

not inclined to enlarge the applicant on bail.

Consequently, this application under Section 439 of the Code of Criminal Procedure filed by applicant **Dadu @ Daddu Baiga** is hereby dismissed.

(VISHNU PRATAP SINGH CHAUHAN)
JUDGE

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