

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 140 of 2017

- Sonu Pandey @ Rinku S/o Mr. Dilip Pandey Aged About 19 Years
R/o Ward No. 18, Dharsiva, Police Station Dharsiva, District Raipur,
Chhattisgarh. **--- Applicant**

Versus

- State Of Chhattisgarh Through The Police Station Dharsiva, Raipur,
Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Anjanesh Shukla, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.02.2017

1. This is first 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. 298 of 2016 registered at P.S. Dharsiva, Raipur (C.G) for the offence punishable under Sections 307/34 of IPC.
2. As per the prosecution case, a report was made by Bal Mukund Sharma alleging that at Silyari, illegal liquor was being sold, as such, Balmukund Sharma and others tried to nab the accused who were involved in selling the illegal liquor and when it was seen that in vehicle bearing No.C.G.04-HB/0804, the applicants were unloading the liquor and having been intercepted, they tried to run over the complainants thereby one of the complainants Kanhaiya Yadav sustained injuries and also certain marks of Tyre scratches were received and thereafter the applicants fled away.
3. Learned counsel for the applicant would submit that the

applicant has been falsely implicated in this case and the applicant and other co-accused were attacked by the complainant outside the petrol pump and they wanted money, therefore, false report has been made. It is stated that false allegations have been made that the applicant and other accused tried to run the car over the complainant by car. He further submits that the charge sheet has been filed and the applicant is in jail since 21.08.2016, therefore, he may be enlarged on bail

4. Per contra, learned State Counsel opposes the bail and submits that the bail of similarly placed co-accused Virendar singh and Mukesh Kumar Paswan was rejected by this Court in M.Cr.C.No.44 of 2017 on 18.01.2017.
5. Perused the case diary and the documents. The case diary shows that the applicant along-with others has been identified. Also perused the medical report of Kanhaiya wherein it shows that apart from the lacerated wound, fracture of 3rd, 4th & 5th ribs on the right was caused. The memorandum would show that at the relevant time, the vehicle was being driven by accused Sonu Pandey. Considering the nature of allegations and the way the offence has been committed and taking into background of the case and the fact that the bail of similarly placed co-accused Virendar Singh and Mukesh Kumar Paswan was rejected by this Court I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE