

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 44 of 2017

1. Virendar Singh, S/o. Shri Ramdas Singh, Aged About 50 Years, R/o. Munundru, Police Station Chaal, Raigarh, Chhattisgarh.
2. Mukesh Kumar Paswan, S/o. Shri Shyamji Paswan, Aged About 21 Years, R/o. Pipra, Police Station Pipra, District Palamu, Jharkhand.

---- Applicants

Versus

State Of Chhattisgarh, Through The Police Station Dharsiwa,
Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ankur Agrawal, Advocate.

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.298/2016 registered at Police Station- Dharsiwa, Raipur (C.G.) for the offence punishable under Section 307, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Balmukund Sharma alleging that at Siliyari, illegal liquors were being sold, as such, Balmukund Sharma and others in the morning at 4 to 4:30 A.M. tried to catch hold of the sale of illegal liquor and when it was seen that in a 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 and one of the complainant Kanhaiya Yadav sustained injuries and also the Tyre marks were received and the applicants fled away.

3. Learned counsel for the applicants would submit that the applicants were attacked by the complainants outside the Petrol pump and they wanted money. He further submits that the applicants were only three i.e. Mukesh Kumar, Virendar Singh and Sonu Pandey whereas the Car was driven by Sonu Pandey, thereby, no offence has been committed and in order to stop the Car, the false allegations have been attributed and the injury is sustained by hard and blunt object, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statements. The applicants were identified. Also perused the medical report of Kanhaiya wherein it shows that apart from the lacerated wound, fracture of third, fourth and fifth Rib on the right side also caused. The memorandum would show that at the relevant time, the vehicle was being driven by Sonu Pandey. Considering the nature of allegation and the way, the offence has been committed and taking into background of the case, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge