

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1838 of 2018**

1. Vipin @ Kundru S/o Suddhu Aged About 21 Years
2. Mahesh Kumar @ Bholu S/o Sukul Aged About 23 Years
3. Vinod Kumar S/o Suddhu Aged About 23 Years
4. Sameshwar S/o Gopalram Aged About 26 Years
5. Umesh @ Buddhu S/o Bhaiyaram Aged About 60 Years

All R/o- Village Tengni, Police Station Patna, Tahsil Baikunthpur,
District-Koriya, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- Police Station Patna, District-
Koriya, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sunil Otwani, Advocate
For the State	:	Shri Samir Behar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07/05/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 300/2017 registered at Police Station Patna, District Koriya (C.G.) for the offence punishable under Section 147, 149, 458, 307 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 08/12/2017 in village Tengni complainant Vishnu Prasad Vishwakarma objected to Arvind

Vishwakarma for disconnection of the light. On very day by 8.00 p.m. applicants and co-accused Arvind Kumar Vishwakarma entered in complainant's house. Co-accused Arvind Kumar Vishwakarma caused the injury on the head of the complainant Vishnu Prasad Vishwakarma by iron rod. Applicant No. 4 Shameshwar caused the injuries on the head of the complainant Vijendra Vishwakarma by stick. Other applicants were also beaten the complainants by hand and fists.

4. As per the medical report of the complainant Vijendra Prasad Vishwakarma one lacerated wound was found in parietal region which was simple in nature, one swelling was found in his right wrist. As per the medical report of the complainant Vishnu Prasad Vishwakarma two lacerated wound was found in his head at parietal region, CT Scan of the both complainants were found normal. As per the query report doctor opined that injuries were found on the head of complainant Vishnu Prasad Vishwakarma which were in vital part endanger to life, if the immediate medical aid was not provided to the complainant Vishnu Prasad Vishwakarma, then his death was possible. As per the query report of the complainant Vijendra Kumar Vishwakarma doctor opined that injury on the head was in vital part and endanger to life, but death was not possible if the immediate medical aid was not provided.
5. Learned counsel for the applicant argued that the applicants have been falsely implicated, medical report does not support the case of the prosecution and the applicants are in jail since 10/12/2017, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.

7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicants.
8. Consequently, the MCRC is dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde