

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2661 of 2018

- Raja Thakur @ Jageshwar Dhruv S/o Dinu Thakur @ Dilharan Dhruv Aged About 22 Years R/o- Near Jhanda Chowk, In Front Of Government Ayurvedic Hospital New Changorabhatha, Police Station D.D. Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- D.D. Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Y.C. Sharma, Advocate.

For Non-applicant : Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

09.05.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and 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. 307/2017 registered at Police Station – D.D. Nagar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 307 of the IPC and Sections 25 and 27 of the Arms Act.
3. Case of the prosecution, in brief is that on 24.11.2017 at 08:45 pm the complainant Sunil Sahu was roaming along with his pet dog. The applicant reached there and an altercation took place between them. Thereafter, the applicant caused injuries on the body of the complainant.
4. Learned counsel for the applicant argued that the applicant is

innocent, has been falsely implicated, the trial is taking time, hence he may be released on bail.

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

6. As per the MLC report of the complainant, the Doctor found 7 injuries on the body of the complainant, out of which 6 were stabbed injuries and 1 was penetrating injury. The injury No. 2 was on chest and injury No. 3 was on abdomen. The Doctor opined that injuries No. 2 and 3 are grievous in nature. As per the query report, death was possible due to the caused injuries.

7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Consequently, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE