

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2644 of 2018**

Premalal Prajapati, S/o late Darbari Prajapati, aged about 65 years, R/o Village Jamthan, Police Station Janakpur, District Korea (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Janakpur, District Korea (CG).

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.103/2017 registered in Police Station Janakpur, District Korea for the offence punishable under Sections 302, 452, 323, 427, 307 read with 34, 450 of IPC, Sections 25, 27 of Arms Act and Sections 3(2)(5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
3. Prosecution story in brief is that on 20.10.2017 at about 3:00 pm in village Jamthaan, co-accused Shiv Shanker and Shivilal Prajapati had entered into the house of the complainant Maya Ram @ Berelihia and beaten him with club. Thereafter, they left the house of the complainant. After some time, they again came in the house of complainant with arms by brokening his door and entered in his house, co-accused Shiv Shanker was with sword, co-accused Shivilal Prajapati was with club and applicant was with club. Co-accused Shiv Shanker caused the injury on the head of deceased Vinay Prasad, who was aged about 1 ½ years old on the date of incident. Deceased Vinay Prasad has died on the spot. Co-accused Shiv Shanker caused blow on the neck of the complainant, he tried to save himself even then injuries were caused on his body. As per medical report, injuries were found on the body of

complainant, which were simple in nature.

4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and 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.
7. Consequently, the bail application is rejected.
8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-