

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6884 of 2018**

S. Sai Kumar S/o S. Haribabu Aged About 21 Years R/o Indira Nagar,
W.R.S. Colony, Police Station - Khamtarai, Raipur, Tahsil And District -
Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

Along with

MCRC No. 7624 of 2018

Rajesh Nishad S/o Kaliram Aged About 31 Years R/o Village- Vijay
Nagar, Bhanpuri, Police Station- Khamtarai, Raipur, District- Raipur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Khamtarai, Raipur,
District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kishore Narayan (MCRC No. 6884/2018) and Miss Sunita Sahu (MCRC No. 7624/2018), respective Advocates
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**25/10/2018**

1. As MCRC No. 6884/2018 and MCRC No. 7624/2018 arise out of the same crime number of same Police Station, they are being disposed of by this common order.
2. The applicants have preferred these first bail application under Section 439 of the CrPC and there are no bail applications are pending before any other Court.

3. Perused the case diary provided by the counsel for the State in connection with the Crime No.296/2018 registered at Police Station Khamtarai, District Raipur (C.G.) for the offence punishable under Section 307/34 of IPC.
4. Case of the prosecution, in brief is that complainant is the resident of Shivanand Nagar, Raipur. On 21/05/2018 about 3 p.m. co-accused Ghanshyam @ Baghawa and applicant S. Sai Kumar by hands and fist, caused the injuries on the body of the complainant Rupesh Kumar Jivnani, applicant Rajesh Nishad caused injury on his abdomen, co-accused Under @ Shiv caused injury on his body by burning wood.
5. Counsel for the applicants submitted that applicants are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He further submits that one another criminal case has been registered against each applicants.
7. Counsel for the applicant Rajesh Nishad further submitted that in FIR the name is mentioned as Rajesh Udiya not Rajesh Nishad, which indicates that applicant was not present there.
8. As per the MLC report of said complainant one stabbed injury was found on his abdomen which was grievous in nature.
9. 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.
10. Consequently, both the bail applications are dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge