

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7088 of 2018**

Shivsharan, S/o Shri Sukhlal, aged about 52 years, R/o Village Khamroundh, Police Station Kotadol, Tahsil Bharatpur, District Korea(CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant	: Mr. Anil Gulati, Advocate
For Non-applicant	: Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.11.2018

1. Case diary is not produced.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the copy of charge-sheet provided by the counsel for the applicant in connection with Crime No.08/2018 registered in Police Station Kotadol, District Korea for the offence punishable under Sections 302, 449, 450 of IPC.
4. Case of the prosecution, in brief, is that at intervening night on 15/16.02.2018 at about 2:00 a.m., the applicant caused injury on the head of deceased Heera Singh by axe due to which he died instantaneously.
5. 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.
6. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant.
7. 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.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE