

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7640 of 2018

1. Jugal Gupta S/o Rama Shankar Aged About 44 Years R/o Ward No. 21, Uraon Mohalla Rapakherwa, Manendragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
2. Prince Gupta S/o Jugal Gupta Aged About 22 Years R/o Ward No. 21, Uraon Mohalla Rapakherwa, Manendragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Incharge Police Station Manendragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants	: Ms. Usha Chandrakar, Advocate.
For Non-applicant	: Shri Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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. 228/2018 registered at Police Station – Manendragarh, District Korea (C.G.) for the offence punishable under Sections 294, 506, 323, 324, 307/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Guruwaru and Ravi Yadav are resident Uraon ward. On 29.07.2018 at about 9:15 am applicants reached near the house of the complainants. Applicants abused complainant Guruwaru. Applicants beat complainant Guruwaru. Applicant Jugal Gupta caused injuries on the head of the complainant Guruwaru by spade. When complainant Ravi intervened applicants also abused him and given threatening to kill him. Applicant Prince caused injury on the head of complainant Ravi Yadav by spade.
4. Learned counsel for the applicants argued that applicants has been falsely implicated in the present case, they have no criminal background, they are innocent, therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submitted that one case under IPC is already registered against the applicant No.1 however, there is no antecedent against applicant No.2.
6. As per the MLC report three sharp cut injuries were found on head of Ravi, injuries were simple in nature. As per the MLC report of Guruwaru three cut injuries were found on his head, injuries were grievous in nature. As per the query report, the Doctor opined that if immediate treatments were not given death was possible.
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 applicants on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE