

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8356 of 2018

- Gopinath Yadav @ Gopi Yadav S/o Late Devmun Yadav Aged About 30 Years R/o Village Kandrai, Newardand, Police Station- Jainagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Jainagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant : Ms. Seema Singh, Advocate.
For Non-applicant : Shri Ashok Swarnkar, PL

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board15.11.2018

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. 204/2018 registered at Police Station – Jainagar, District- Surajpur, (C.G.) for the offence punishable under Sections 294, 506, 323, 307 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 24.07.2018 at about 14-15 hours at village Kaldrai when complainant Vishnu was snatching the hairs of daughter of Subechand aged about 4 years in drunken condition, applicant objected. At that time applicant abused him, given threatening to kill and caused injury on his hind head by club.
4. Learned counsel for the applicant argued that applicant the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submitted that only one injury has been found on the body of the complainant. He was in drunken condition. Applicant was trying to save the small girl, these circumstances are sufficient to release the applicant on bail.
7. As per the MLC report one injury size 5cmx6cm was found on the scalp of the complainant. As per the query report, injury was of grievous in nature. As per the query report, if the treatment was not provided in time death could have caused.
8. 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, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE