

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8708 of 2018

- Haricharan Khunte S/o Bajarha Khunte Aged About 27 Years R/o- Village- Khudiyadih, Police Station- Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- It's Police Station Takhatpur, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

AndMCRC No. 8735 of 2018

1. Shammy Kapoor S/o Bajarha Khunte Aged About 20 Years R/o Village Khudiyadih, Police Station Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Mahangu S/o Shivkumar Khunte Aged About 22 Years R/o Village Khudiyadih, Police Station Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Bajarha S/o Sitaram Khunte Aged About 50 Years R/o Village Khudiyadih, Police Station Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Its Police Station Takhatpur, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Ravi Maheshwari, Advocate.
For Non-applicant	: Shri S. Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board01.12.2018

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are 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.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 291/2018 registered at Police Station – Takhatpur, Civil And Revenue District Bilaspur (C.G.) for the offence punishable under Section 147, 148, 149 and 307 of the IPC.
4. Case of the prosecution, in brief is that on 21.07.2018 about 6 pm at village

Khudiyadih applicants, coaccused Dashrath Baghel, Vijay Baghel, Sita Ram Khunte had beaten complainants Anjor Das, Umer, Pusaiya Bai with club, hands and fists.

5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been 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.
7. Counsel for the applicants further submits that none of the complainant was admitted in hospital, there was a counter FIR lodged against the applicants. Applicant – Harish Chandra was not present at the spot.
8. As per the MLC report of Anjor one lacerated wound size 4.5 x0.5cmx 0.5 cm was found on the right side of forehead. As per the MLC report of complainant Umendra Tandon one lacerated wound size 3cmx0.5cm was found on the left side of temporal region. As per the MLC report of Pusaiya one lacerated wound size 3cmx0.5cm was found at mid parietal region. As per the query report if immediate medical aid was not provided complainants could have died.
9. 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE