

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9150 of 2018**

- Durga Prasad Tiwari S/o Late Gorishankar Tiwari Aged About 26 Years R/o Durga Nagar, Pandritarai, House Of Ganga Pandey, Devendra Nagar, Raipur, District- Raipur, CG

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Ganj, Raipur, District- Raipur, CG

---- Respondent

For applicant	Ms. Sunita Sahu, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****7-12-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 126/2018 registered in police station Ganj, Raipur (CG) for offence punishable under Section 294, 506B, 323, 324, 327 of the IPC and Section 25/27 of the Arms Act.
3. Prosecution story in brief is that on 13-5-2018 about 15.30 pm near Chhoti Line Mandir, Raipur, the applicant demanded money for drinking liquor from complainant Santosh Dhruva. Complainant refused to give money. The applicant abused the complainant, threatened to kill him and caused injury on left side of chest, right hand of the complainant by spring knife.
4. As per MLC report of complainant Santosh Dhruv, one incised wound was found on his chest, one incised wound was found on his right palm, incised wounds were caused by hard and sharp object, a fracture was also found on 6th rib of left side. The complainant was admitted in hospital from 13-5-2018 to 30-5-2018.

5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application. However he submits that no criminal antecedent of the applicant is reported in the police case diary.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and looking to the part of the body where the injuries have been inflicted, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge