

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9048 of 2018**

Vinoddip, S/o Santosh Kumar Dip, aged about 35 years, R/o Irrigation Colony Panduka, Tahsil Chhura, Police Station Panduka, District Gariyaband (CG).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Magarlod, District Dhamtari (CG).

---- Non-applicant

For Applicant	: Ms. Lata Nayak, Advocate
For Non-applicant	: Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.213/2018 registered in Police Station Magarlod, District Dhamtari for the offence punishable under Sections 394, 34 of IPC and Sections 25, 27 of Arms Act.
3. Case of the prosecution, in brief, is that on 05.09.2018 at about 20 hrs, the complainant Digeshwar Kumar Sahu was going to Doodhwara along with maternal grandfather Ganesh Sahu by motor-cycle. Near the village Korgaon runnel, three unknown persons stopped the motor-cycle, one unknown person took out the knife and tried to cause injury to him and one unknown person snatched Rs.300/- and one mobile bearing SIM No.6266928835. That persons started to beat him and, thereafter, they fled away from the spot. The said complainant identified the applicant on the Test Identification Parade.
4. 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.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. On the memorandum of the applicant, Rs.300/- was seized from him.
7. As per MLC report, three incised wound had been found on the body of the complainant and injury was caused by sharp object.
8. What would be effect of delay in lodging the FIR may be considered at

the time of appreciation of the evidence.

9. Looking to the facts and circumstances of the case, looking to the injury of complainant, 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.
10. Consequently, the bail application is rejected.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-