

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 255 of 2019

- Sidharth Jain S/o Tarachand Jain Aged About 24 Years R/o Gaya Nagar ,durg District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Praveen Dhurandhar, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board31.01.2019

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.431/2018 registered at Police Station – Pulgaon Nagar, District - Durg (C.G.) for the offence punishable under Sections 394, 397 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Mohammad Ahmed is the resident of Faridnagar, Supela, Bhilai. On 05/11/2018 in village Mahmara, at about 17 hours applicant caused the injury near his neck by knife. He fled away from the spot along with his auto. As per the MLC report of complainant one lacerated wound was found on the neck caused by sharp object.
4. Learned counsel for the applicant argued that 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, however, submits that there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that name of applicant is missing in FIR, he is in jail since 06/11/2018 he is the patient of AIDS. Injury was simple in nature thus, he may be released on bail.
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 applicant on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE