

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 119 of 2019**

Radheshyam Yadav, son of Vikram Yadav, aged about 20 years, R/o Vinoba Nagar
Mungeli, Tahsil and District Mungeli (CG). **---- Applicant**

Versus

State of Chhattisgarh, through District Magistrate/Collector, Mungeli, District Mungeli
(CG). **---- Non-applicant**

For Applicant : Mr.Ravi Maheshwari, Advocate on behalf of Mr. Guru
Prasad Kurre, Advocate
For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

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.386/2018 registered in Police Station City Kotwali Mungeli, District Mungeli for the offence punishable under Sections 307, 34 of Indian Penal Code.
3. Prosecution story in brief is that on 19.08.2018 at about 9:00 p.m. near the Electricity Office at village Karhi, co-accused Shyam Bai had beaten the complainant Yogeshwar Armo by club. The applicant caused injury on his head by axe. Co-accused Radhe Yadav caused injury on his leg by wooden and club. As per MLC report of the complainant, three lacerated wounds were found on his head. As per query report, Doctor opined that if proper treatment would not have been provided to the complainant then he could have been died, but final opinion can be given by surgical specialist.
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. However, he would further submit that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, 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. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE