

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 137 of 2019**

Umesh Kumar Sahu, son of Darbari Lal Sahu, aged about 26 years, R/o Murum Khadan, Farid Nagar near Dewangan Hotel, Supela, Police Station Supela, District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Supela, District Durg (CG). **---- Non-applicant**

For Applicant	: Mr. B.P. Singh, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.01.2019

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.831/2018 registered in Police Station Supela, District Durg for the offence punishable under Sections 307/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 16.09.2018 at about 11:00 p.m., the complainant Parvej Khan was getting unloaded tent pipe in his go-down at Supela. At that time, the complainant Digamber Vaishnav was also present there. Co-accused Tarkesh Chouhan, Krishna Pal, Imraan and applicant reached there. Co-accused Tarkesh demanded money for drinking liquor from the complainant Parvej Khan, which was refused by the said complainant on which the applicant abused him and caused blow on his neck by spring knife. The complainant Parvej Khan bow thus the injury caused behind on his left shoulder. Co-accused Tarkesh caused another blow on the chest of complainant Parvej Khan by knife, he stopped the blow by right hand thus injury was caused on his right wrist. Co-accused Tarkesh also caused injury on chest of the complainant Digamber Vaishnav by knife. Co-accused Krishna Pal was also showing the knife to the complainants. Co-accused Imraan has also beaten the complainants by bamboo stick. As per injury report of the complainant Parvej Khan, one incised wound was found on his forearm and one incised wound was

found on shoulder. Injuries were caused by sharp and hard object. As per MLC report of the complainant-Digamber Vaishnav, one step wound was found on his sub coastal region.

4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that as per report of the complainant Parvej Khan, the applicant has not caused any injury to anyone and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per query report, Doctor opined that if immediate treatment would not have been provided to the complainants Parvej Khan and Digamber Vaishnav, they could have been died.
7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-