

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9640 of 2018

- Mukesh Kumar Sahu S/o Madan Lal Sahu Aged About 27 Years R/o Mahatma Gandhi Nagar ,gali No. 1 And 2 Village Amaldih ,raipur Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station New Rajendra Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 661 of 2019

1. Parmeshwar Sahu S/o Madan Lal Sahu Aged About 19 Years R/o Mahatma Gandhi Nagar, Gali No. 1and 2, Village Amaldih, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Sanju Dhangar S/o Bhavani Dhangar Aged About 21 Years R/o Mahatma Gandhi Nagar, Gali No. 1and 2, Village Amaldih, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Bhupendra Kumar Nirmalkar S/o Devashankar Nirmalkar Aged About 22 Years R/o Mahatma Gandhi Nagar, Gali No. 1and 2, Village Amaldih, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Pokhan Lal Sahu S/o Mastram Sahu Aged About 22 Years R/o Mahatma Gandhi Nagar, Gali No. 1and 2, Village Amaldih, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Rohit Kumar Sahu S/o Mastram Sahu Aged About 21 Years R/o Mahatma Gandhi Nagar, Gali No. 1and 2, Village Amaldih, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station New Rajendra Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

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---- Non-applicant

For Applicants	: Shri Sudhir Kumar Bajpai, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.02.2019

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 174/2018 registered at Police Station – New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Section 147, 148, 149, 186, 353, 294, 506-B, 323, 324, 307/34 of the IPC and Section 25, 27 of the Arms Act.
4. Case of the prosecution, in brief is that complainants Shyamsundar, Sunil, Akhilesh are the employees of electricity company. On 16/08/2018 at about 10:45 Pm at Amlidih, at electricity office near Himaliya Heights Raipur applicants reached there, started abusing, gave threats to kill, obstructed official work, started to beat complainants Shyamsundar, Sunil and Akhilesh. Applicant Rohit Kumar Sahu caused the injuries on the body of complainants Shyamsundar and Sunil by knife. As per the MLC report of the complainant Sunil one sharp wound was found over right lower abdomen and chest. Doctor opined the injuries as grievous in nature. As per the chest radiograph of complainant Sunil no significant abnormalities detected in chest x-ray. As per the summary of complainant Sunil double stab wound, chest/abdomen with liver laceration were found.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedents against the applicants.
7. Counsel for the applicant further submitted that in FIR it has not been mentioned that applicant Rohit had caused injuries by knife, applicants are in jail since six months, complainants were contractual labour, there was no intention, thus, the applicants may be released on bail.
8. It has been mentioned in the statement of some witnesses that the applicant Rohit had caused injuries by knife.
9. 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 applicants on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE