

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 879 of 2019**

Radhey Lal Kumhar S/o Sadhu Ram Kumhar Aged About 32 Years R/o Village Matiya Chowki Malhar, Police Station Masturi, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Masturi, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Tawadkar, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.436/2018 registered at Police Station Masturi, District Bilaspur (C.G.) for the offence punishable under Section 294, 323, 506, 307, 34 of IPC and Section 3(1-10), 3(1)(द)(घ), 3(2)(va) of SCST (PA) Act.
3. Case of the prosecution, in brief is that complainant Suhuram Soni is about 65 years old. He is resident of village Matiya. On 26/09/2018 about 9.00 p.m. near his field, applicant abused him. Co-accused Chhotelal caused injury on his head by hoe/grub axe. Applicant had also given him threats to kill. Complainant is the member of Scheduled Caste. Applicant is neither member of Scheduled Caste nor Scheduled Tribe. As per MLC report complainant one lacerated wound size 8cm x 1cm was found on his head at frontal area caused by hard and blunt object. As per the query report doctor of Pratham Hospital opined that there was the fracture on left frontal bone on the head of complainant. If he could have not got proper treatment he would have died.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that complainant was referred to the Government District Hospital, Bilaspur but he was admitted in private hospital. Witnesses not intervened during the alleged incident, thus he may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the injury of the complainant, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde