

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 758 of 2019**

Mahendra Singh Thakur @ Banti S/o Dara Singh Thakur Aged About 25 Years R/o Ashok Nagar, Police Station Gudhiyari, Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Urla Raipur Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Sunita Sahu, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/02/2019**

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.213/2018 registered at Police Station Urla, Raipur, District Raipur (C.G.) for the offence punishable under Section 394, 34 of IPC.
3. Case of the prosecution, in brief is that on 27/05/2018 in the night at Sarora-Urla tri-junction three persons came by scooty near the complainant Sunil Sahu, two persons pointed the knife and snatched mobile set and purse from the complainant. One person had caught hold her neck and another person caused injury on her chest and waist by knife. As per the bill, complainant had purchased one set mobile of Samsung IMEI No. 359932077087477. On the memorandum of co-accused Shivam Meshram one mobile set bearing same IMEI number was seized from the possession of applicant. As per the discharge summary of complainant deep injury was found on his right chest one lacerated wound was also found on left finger.
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 two other criminal cases have been registered against the applicant out of of which under under Section 394 of IPC and another under Section 323 of IPC.

6. Counsel for the applicant further submitted that there is no test identification parade, thus it cannot be said that applicant had caused the alleged injury to the complainant.
7. Looking to the facts and circumstances of the case, looking to the evidence available on record, 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