

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 952 of 2019**

1. Prabhat Awasthi . S/o Late Jaynarayan Awasthi Aged About 24 Years,
2. Prakash Awasthi S/o Late Jaynarayan Awasthi Aged About 38 Years

Both are R/o Ward No.6, In Front Of Managal Bhawan, Village Masturi, Police Station Masturi, Tahsil Masturi District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgar

---- Applicants

Versus

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

---- Respondent

ALONG WITH**MCRC No. 956 of 2019**

Brijendra Pandey S/o Sundarlal Pandey Aged About 48 Years R/o Ward No. 6 In Front Of Managal Bhawan, Village Masturi, Police Station Masturi, Tahsil Masturi District Bilaspur Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For the Applicants	:	Shri Arvind Shrivastava and Shri Akash Shrivastava, Advocates
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**20/02/2019**

1. As both the above bail applications arise out of same crime number of same police station, they are being disposed of by this common order.
2. These are first bail applications under Section 439 of CrPC preferred by the applicants before this Court and their no bail application is pending before any other court.
3. The applicants have been arrested in connection with the Crime No.448/2018 registered at Police Station Masturi, District Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 294, 323, 324, 307 and 506 of IPC.

4. Case of the prosecution, in brief is that on 29/09/2018 about 9.40 p.m. in front of Block Office at Masturi applicants and some other persons reached there holding clubs, iron rods, knives. They abused complainant Vivek Tripathi, beat him by club. They caused injury to complainant Kamal Yadav by knife. They caused injury on head of complainant Vinod Sarthi by iron rod. They also caused injuries on chest of complainant Vinod Sarthi by knife. They also caused injuries of complainant Virendra Tripathi by club. They also gave threat to kill.
5. As per MLC report of complainant Rinku @ Vivek Tripathi two lacerated wound and two abrasions were found on his body.
6. As per MLC report of complainant Virendra Nath Tripathi, two abrasions and one contusion were found on his body.
7. As per MLC report of complainant Kamlesh Yadav, one incised wound on his left thigh and one abrasion were found on his body.
8. As per the neurological certificate, Apollo Hospital, Bilaspur in CT Scan injury of brain of complainant Vinod Sarthi was grievous in nature.
9. Counsel for the applicant submitted that there are generalized allegations against the applicants. As per Section 320 of IPC the injury of Vinod Sarthi cannot be said grievous in nature, thus Section 307 does not attract, therefore, they may be released on bail.
10. Looking to the facts and circumstances of the case, it cannot be said *prima facie* that alleged injury of complainant Vinod Sarthi was not sufficient to cause death in ordinary course of nature.
11. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicants on society, this Court is not inclined to grant bail to the applicants.
12. Consequently, bail applications are rejected.

Sd/-
(Sharad Kumar Gupta)
Judge