

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 984 of 2019**

David Chandel, son of Dhan Singh Chandel, aged about 22 years, R/o Village Khursipar, P.S. Khairagarh, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Khairagarh, District Rajnandgaon (CG).

---- Non-applicant

For Applicant : Mr. C.K. Kesharwani, Advocate

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

21.02.2019

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.227/2018 registered in Police Station Khairagarh, District Rajnandgaon for the offence punishable under Section 302 of Indian Penal Code.
3. Case of the prosecution, in brief, is that there was a land dispute between the applicant and deceased Narottam Sirmour. On 15.09.2018 in the lane near Jain Khambha Boring at village Khursipar, the applicant caused injuries by iron weapon on the head and box ears of deceased. Deceased died in hospital.
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 land dispute was with the father of the applicant. Manoj Yadav is not the alleged eye witness of incident. The witnesses are the hear say witnesses hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the statement of Manoj Yadav recorded under Section 161 of CrPC, 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.
7. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE