

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 936 of 2019

- Suryakant Singh @ Kalu S/o Ram Kumar Singh Aged About 43 Years R/o Village Charouda, Bhilai-3, Station House Officer Purani Bhilai, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Purani Bhilai, Durg Civil And Revenue District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

And

MCRC No. 1129 of 2019

- Bhawani Shankar Tiwari S/o Hulas Ram Tiwari Aged About 33 Years R/o Atal Aawas Charouda Bhilai-3, Police Station Bhilai-3, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate/ Station House Officer, Police Station Purani Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicants : Shri Purendra Kichariya and Shri Tarun Dadsena, Advocates.
 For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

20.02.2019

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail applications 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. 371/2018 registered at Police Station – Purani Bhilai, District Durg (C.G.) for the offence punishable under Section 307, 341, 327, 34 of the IPC.
4. Case of the prosecution, in brief is that on 23.09.2018 at about 8 pm near the Dhankar Fabrication, Charoda, applicant and coaccused Anil Sharma demanded Rs. 500/- from the complainant Tikendra Kumar Sahu for consuming liquor. When complainant expressed his inability to give money applicant and said coaccused beat him by hands and fists. Applicant Bhawani

Shankar caused injuries on his abdomen and above his neck by knife.

5. As per the MLC report of the complainant one stab wound was present on his abdomen, another one stab wound was present on his left buttock. Injuries were grievous in nature and were caused by sharp object.
6. 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.
7. On the other hand, learned counsel for the State opposes the bail application and submits that one criminal case under Cr.P.C. has been registered against applicant Suryakant Singh @ Kalu and 10 other criminal cases under Cr.P.C. have been registered against applicant Bhawani Shankar.
8. Counsel for the applicant- Suryakant Singh @ Kalu further submits that the complainant was in conscious condition, thus he may be released on bail.
9. Counsel for the applicant – Bhawani Shankar submits that there is a counter case against the complainant. Applicant Bhawani Shankar was also injured in the same incident, thus he may be released on bail.
10. Looking to the facts and circumstances of the case, looking to the evidence available on record, 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE