

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1236 of 2019**

Dilchand Kashyup, son of late Budhwar Singh Ram, aged about 40 years, R/o Village Karra, Near Gataura Station, Police Station Masturi, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through In-charge, Police Station Masturi, District Bilaspur (CG). **---- Non-applicant**

For Applicant : Mr. Chitendra Singh, Advocate

For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.03.2019

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.587/2018 registered in Police Station Masturi, District Bilaspur for the offence punishable under Sections 294, 506B, 307/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 23.11.2018 at about 23:00 hrs near Hind Energy Company, co-accused Laxmi Prasad tried to cause injury to complainant Guddu @ Suresh Kumar by spade. Co-accused Laxman caused injury on his head by spade. The applicant caused injury on his head by club. As per MLC report of the complainant, one injury was present on left temporo frontal region size 12cmx10 cm, bone was exposed and injury was grievous in nature. As per enclosed photocopy of C.T. Scan of complainant, scalp hematoma was seen over left posterior parieto-occipital and left anterior parietal region.
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 the applicant and his family members were also injured and there was land disputed between the applicant and complainant. The applicant exercised right of self defence and as such 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 material available on record, 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