

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.1146 of 2019**

1. Krishna Yadav son of Santosh Yadav, aged about 20 years, R/o Utkal Nagar, Krishna Nagar, Supela, Bhilai, District Durg (CG).
2. Suraj Mahanand, son of Pyare Lal Mahanand, aged about 26 years, R/o Borsi Bhatha, District Durg (CG).
3. Achit Yadav, son of Baldeo Yadav, aged about 21 years, R/o Utkal Nagar, Krishna Nagar, Supela Bhilai, District Durg (CG).

---- Applicants**Versus**

State of Chhattisgarh, through District Magistrate, Durg, District Durg (CG).

---- Non-applicant**AND****MCRC No.1384 of 2019**

Dinesh Kosare, son of late Ganesh Kosare, aged about 19 years, R/o Utkal Nagar, Thagada Nahar, Padmnabhpur, Durg Tahsil and District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Durg, District Durg (CG).

---- Non-applicant

For Applicants : Ms. Kiran Singh, Advocate
 For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.03.2019**

1. Above mentioned two bail applications arise out of a common Crime No.864/2018 registered at Police Station O.P. Padmnabhpur, District Durg for the offence punishable under Sections 307, 294, 506-II, 324/34 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that on 19.10.2018 at about 10:30 p.m. ahead to Thagada Canal, Railway Gate, Padamnabhpur, the applicant Suraj Mahanand caused injury on the body of complainant Yashwant Kumar by knife, applicants Krishna Yadav and Achit Yadav caused injury on his body by wooden club. The applicant Dinesh Kosare @ Sonu and co-accused Shishu Das beat him by hands and fists. They all abused him and gave threat to kill him. As per MLC report of complainant Yashwant Kumar, two lacerated wounds were found on his forehead and one incised wound size 10cm x ½ cm was also found on his body. As per query report, Doctor opined that injury of the said complainant was fatal.

3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case. She further submitted that the complainant Yashwant Kumar was in drunken condition and as such the applicants may be released on bail.
4. On the other hand, counsel for the State opposed the bail application. She submitted that no criminal antecedent of the applicants is reported in police case diary.
5. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of CrPC to the applicants. Consequently, the bail applications (M.Cr.C. No.1146/2019 & M.Cr.C. No.1384/2019) are rejected.
6. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-