

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1368 of 2019**

1. Sudhan Sai Painkra S/o Late Kirtan Sai Paikra, Aged About 49 Years Caste Kanwar, R/o Village Jhimki, Bathapara, Police Station Bagbahar, District Jashpur Chhattisgarh
2. Hemsagar Painkra S/o Sudhan Sai Painkra, Aged About 25 Years Caste Kanwar, R/o Village Jhimki, Bathapara, Police Station Bagbahar, District Jashpur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bagbahar, District Jashpur Chhattisgarh

---- Non Applicant

For the Applicants : Shri Manoj Chauhan, Advocate

For the State : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.04.2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.149/2018 registered at Police Station- Bagbahar, District- Jashpur (C.G.) for the offence punishable under Sections 307, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 05.10.2018 at about 5:30 pm, at village Jhimki applicant No.1 Sudhan Sai, applicant No.2 Hemsagar and coaccused Lalwati reached near to complainant Khuleshwar Painkra. Applicant No.1 Sudhan Sai had sword, applicant No.2 Hemsagar had wooden club. Applicant No.2 Hemsagar caused injury on head of complainant by wooden club. Applicant No.1 Sudhan Sai gave sword to coaccused Lalwati and asked her to cause injury. Applicant No.1 Sudhan Sai caught hold the left hand of complainant, applicant No.2 Hemsagar caught hold his right hand, applicant No.1 Sudhan Sai put the boulder below the wrist of left hand. Coaccused Lalwati amputated his left hand.
4. As per the MLC report of complainant one chop wound on his wrist was present caused by hard and sharp object injury was grievous in nature. As per the query report doctor opined that injury No.1 may cause death of complainant if not treated timely.
5. 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.
6. Counsel for the State submits that 2 other criminal cases have been registered against the applicant No.1 Sudhan Sai however, no antecedent is reported against the applicant No.2 Hemsagar.
7. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul