

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1628 of 2019**

1. Saiyyed Mohammed Kadar, S/o Saiyyed Mohammed Karim, aged about 56 years, R/o Khan Bada Sarkanda, P.S. Sarkanda, Bilaspur, District Bilaspur(CG).
2. Saiyyed Mohammed Rauf Aga, S/o Saiyyed Mohammed Kadar, aged about 30 years, R/o Khan Bada Sarkanda, P.S. Sarkanda, Bilaspur, District Bilaspur (CG).
3. Saiyyed Mohammed Adam S/o Saiyyed Mohammed Kadar, Aged about 35 years, R/o Khan Bada Sarkanda, P.S. Sarkanda, Bilaspur, District Bilaspur (CG).
4. Ravi Yadav @ Kallu, S/o Chhedi Yadav, aged about 19 years, R/o Khan Bada Sarkanda, P.S. Sarkanda, Bilaspur, District Bilaspur (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Police Station Sarkanda, Bilaspur (CG).

---- Non-applicant

For Applicants	: Mr. Mateen Siddiqui, Advocate
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer
For Objector	: Mr. Vivek Shrivastava, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.1070/2018 (Not mentioned in Annexure A/1) registered in Police Station Sarkanda, District Raigarh for the offence punishable under Sections 294, 323, 325, 307, 506 read with 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 17.12.2018 at about 23:30 hrs at Khan Bada, Sarkanda, the present applicants abused the complainant Saiyyed Mohammed Yusuf and gave threat to kill him. The applicant No.3-Saiyyed Mohammed Adam caused injury on head of the said complainant by ladle. Thereafter, applicant No.2-Saiyyed Mohammed Rauf Aga snatched ladle from applicant No.3-Saiyeed Mohammed Adam and caused injury on index finger of left hand of the

said complainant. As per MLC report of said complainant, one contusion, one abrasion and two lacerated wounds were found on his body, out of these injuries, one lacerated wound was found on left temporo parietal region over scalp. Doctor opined that nature of injuries appear to be simple in nature. As per query report, injuries of the said complainant are of serious nature, he was referred to higher center for further management. So possibility of death due to injuries can be ruled out. As per CT Scan report of said complainant, depressed fracture was found at the left parietal bone.

4. Counsel for the applicants submitted that the applicants have not committed any offence and have been falsely implicated in the case and as such the applicants may be released on bail.

5. On the other hand, counsel for the State opposed the bail application. He submitted that four other criminal cases under IPC have already been registered against the applicant No.1-Saiyyed Mohammed Kadar and no criminal antecedent has been reported against the applicant No.2-Saiyyed Mohammed Rauf Aga, applicant No.3-Saiyyed Mohammed Adam and applicant No.4-Ravi Yadav @ Kallu in police case diary.

6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, 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 the Cr.P.C. to the applicants. Consequently, the bail application is rejected.

7. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE