

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1763 of 2019**

1. Rahul Yadav S/o Late Tikaram Yadav Aged About 28 Years R/o Ward No. 52 Near Manas Bhawan, Borsi, Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Somnath Yadav S/o Late Ram Yadav Aged About 27 Years R/o Ward No.52, Near Manas Bhawan, Borsi, Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
3. Shubham Nirmalkar S/o Shri Ramavatar Nirmalkar Aged About 22 Years R/o Ward No.52, Near Manas Bhawan, Borsi, Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District- Magistrate, Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Abhishek Sharma, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.03.2019

1. This is first bail application 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.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 789/2018 registered at Police Station – Durg, District – Durg (C.G.) for the offence punishable under Sections 294, 506, 323, 324, 307, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 25.09.2018 at about 10 pm near the Shitla pond, Borsi, Durg. Applicant and coaccused Billa @ Lileshwar Yadav abused complainant Gitesh Kumar Deshlahre, beat him, they caught hold him and Billa @ Lilesh Yadav caused injury on his back, abdomen, shoulder, head by knife. Doctor diagnosed penetrating injury in abdomen multiple with right side back lumber region with L/W right shoulder and Scalp with Ascending colon perforation through and through with right kidney lacunar with hamoperitonium. In query, the doctor opined that due to injuries complainant could have died.
4. Learned counsel for the applicants argued that they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicants.
6. Counsel for the applicant further submitted that there was no intention, knowledge, mens rea of applicants. He drew my attention on the statement of Daneshwar and Subham regarding 161 Cr.P.C.
7. Looking to the facts and circumstances of the case, 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE