

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2108 of 2019**

Munna Kumar Sahu, S/o Tangu Sahu, aged about 30 years, R/o Roopnagar Dafai, Charcha Colliery, Police Station Charcha, Tahsil Baikunthpur, District Korea (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Charcha, District Korea (CG).

---- Non-applicant**AND****MCRC No.2635 of 2019**

Shankar Bharti, S/o Baijnath Bharti, aged about 40 years, R/o Roopnagar, Charcha Colliery, Police Station Charcha, Tahsil Baikunthpur, District Korea (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Charcha (wrongly mentioned as Colliery), District Korea (CG).

---- Non-applicant

For Applicants : Mr. Anil Gulati, Advocate
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.04.2019

1. Above mentioned two bail applications arise out of a common Crime No.10/2019 registered at Police Station Charcha, District Korea for the offence punishable under Sections 294, 506, 323, 307 r/w 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 complainant Dev Kumari is a wife of applicant Munna Kumar Sahu. On 21.01.2019 at about 5:00 p.m. at village Roopnagar, Charcha Colliery, applicant Munna Kumar Sahu abused the said complainant. Applicant Shankar Bharti caught hold the said complainant and applicant Munna Kumar Sahu caused injury on her head by concrete stone. As per MLC report of said complainant, one wound was found on her forehead, which was grievous in nature. As per query report, Doctor opined that if immediate treatment would not provide to her then she might have been died.
3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case 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 previously one case under IPC has already been registered

against the applicant Munna Kumar Sahu and no criminal antecedent is reported against the applicant Shankar Bharti 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.2108/2019 & M.Cr.C. No.2635/2019) are rejected.

6. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-