

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2256 of 2019**

Arun Yadav, aged about 24 years, son of Shri Ramkumar Yadav, resident of Handipara, Near Radha Krishna Mandir, P.S. Azad Chowk, Raipur, Tahsil and District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station D.D. Nagar, District Raipur (CG). **---- Non-applicant**

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

24.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.386/2018 registered in Police Station D.D. Nagar, Raipur, District Raipur for the offence punishable under Sections 307 & 34 of Indian Penal Code and Sections 25 & 27 of Arms Act.
3. Case of the prosecution, in brief, is that the name of complainants are Pratap Chandrakar and Tushar Pandey. On 09.12.2018 at about 6:45 hrs in front of Yadav Hotel, Mahadevghat Saani Mandir, Raipur, the applicant and co-accused Sameer Sharma reached near the said complainants with their accompanies on account of previous enmity. The applicant Arun Yadav with intention to commit murder of the said complainants, fired upon them through Pistol. The complainant Pratap Chandrakar sustained injury on his left leg by bullet and complainant Tushar Pandey sustained injury on his right thigh by bullet.
4. Counsel for the applicant submitted that the applicant has not committed any offence and he is an innocent person and as such he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, she submitted that one criminal case under IPC has already been registered against the applicant 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 applicant, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE