

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2501 of 2019**

Y Suraj @ Ramu, aged about 32 years, son of Shri Y. Allaiya, R/o Shaheed Veer Narayan Singh Nagar, Gully of Gupta Kirana Stores, Khursipar, Bhilai, District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Khursipar, District Durg (CG). **---- Non-applicant**

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.04.2019

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.279/2016 registered in Police Station Khursipar, Bhilai, District Durg for the offence punishable under Sections 307 & 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 19.06.2016 at about 21:00 hrs behind Gupta Kirana Stores, Shaheed Veer Narayan Singh Nagar, Khursipar, the applicant, co-accused Shrinu @ Shinu and Shiva reached near to the complainant Prakash Borkar. Co-accused Shrinu @ Shinu caused injury on the body of the said complainant by knife and brick. The applicant and co-accused Shiva beat the said complainant by hands and fists. As per MLC report of said complainant, one lacerated wound was found on his forehead. As per query report, Doctor opined that if the complainant would not have got immediate treatment then he might have been died.
4. Counsel for the applicant submitted that the applicant has not committed any offence and he is an innocent person. He is in jail since 25.06.2017 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 previously no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, 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