

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2580 of 2019**

Pramod Nayak, son of Mahettar, aged about 23 years, R/o Nagjhar, Police Station Malkharoda, District Janjgir Champa (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Malkharoda, District Janjgir Champa (CG). **---- Non-applicant**

For Applicant	: Mr. K.K. Pandey, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.04.2019

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.156/2017 registered at Police Station Malkharoda, District Janjgir Champa for the offence punishable under Sections 302, 450, 452, 323, 307, 307 (two times) of Indian Penal Code.
3. Case of the prosecution, in brief, is that the present applicant is a son of deceased Tiharin Bai. On 25.09.2017 at about 13:30 hrs at village Nagjhar, the applicant caused injury on the head of deceased by iron pipe. When complainants Lokabai, Rambai and Sonibai intervened him, the applicant also caused injury on their bodies by iron pipe. Subsequently, deceased was died during the treatment.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.
6. Counsel for the applicant, in support of his case, he drew my attention on para 10 of true copy of statement of Rambai (P.W.-4), which is a part of bail application.
7. As per true copy of statement of complainant Lokabai (P.W.-1), she had stated against the applicant.
8. As per memorandum of applicant, one iron pipe having blood like stain, one T-shirt and one half pant having blood like stain had been seized from him.
9. This is well settled legal position that while dealing with the bail application, this Court is neither scrutinize nor appreciate the evidence. At this stage, this Court also cannot touch the merit and demerit of the case.
10. Looking to 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.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE