

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2569 of 2019**

Parmeshwar Sahu, S/o late Shri Khorbahra Sahu, aged about 40 years, R/o Gram Village Dhowrabhatha, Police Station Hirri, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Officer-in-charge Police Station Hirri, District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Amit Kumar Chaki, Advocate

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.05.2019**

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.27/2019 registered in Police Station Hirri, Bilaspur, District Bilaspur for the offence punishable under Sections 294, 323, 506, 307, 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 04.02.2019 between 10:30 p.m. to 11:00 p.m. at village Dhowrabhatha a quarrel was happened in the house of complainant Harprasad Sahu. Applicant and co-accused were abusing complainants Bhukhin Bai and Narendra Kumar. They were beating them by hands and fists. When complainant Harprasad Sahu intervened them, applicant and co-accused abused him and gave threat to kill. Applicant caused injury on his head by blunt side of spade. As per MLC report of complainant Harprasad Sahu, one lacerated wound was found on his fronta parietal region. As per CT report of complainant Harprasad Sahu, depressed skull fracture was noted. As per query report, the doctor opined that due to injury complainant Harprasad Sahu could have died.
4. Counsel for the applicant submitted that applicant has no criminal background, he is an innocent and has been falsely implicated in the present case. He is in jail since 04.02.2019. On the report of applicant, a counter case has been registered against the complainants. The applicant allegedly caused injury to complainant Harprasad Sahu in exercise of right of private defence and as such he 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. Whether the applicant allegedly caused injury to complainant Harprasad Sahu in exercise of right of private defence is the subject matter of scrutiny of evidence which this Court cannot do at this stage.
7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE