

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3057 of 2019

- Itwari Sahu @ Itwari Singh @ Pintu S/o Amar Singh Sahu Aged About 21 Years R/o Dondara, Police Station Abhanpur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bakhara, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant : Shri P.K. Patel, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 19/2019 registered at Police Station – Bakhara, District – Dhamtari (C.G.) for the offence punishable under Sections 307, 294, 506, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 31.01.2019 at about 7 pm complainant Prakash Sahu along with his friend Lekhram Sahu were roaming in village fair at village Pachmedi. Meanwhile, 3 persons reached there. They abused complainant Prakash Sahu. One person caused injury on his abdomen by dagger. His intestine exposed. During the test identification parade complainant Prakash Sahu identified applicant. As per the MLC report of the complainant Prakash Sahu, one stab wound was present at his abdomen, injury was dangerous to life.

4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he further submitted that he is in jail since 02.02.2019, thus, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant.
6. Looking to the facts and circumstances of the case, looking to the prima facie evidence available on record against applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE