

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4049 of 2019**

- Shanu Dan @ Nahsun Dan S/o Nimrod Dan Aged About 19 Years R/o Shanti Nagar Jagdalpur, District Bastar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bodhghat, District Bastar Chhattisgarh

-----Non Applicant

For the Applicant : Mr. Vikash A. Shrivastava, Advocate

For Non Applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.09.2019**

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.162/2018 registered at Police Station-Bodhghat, District-Bastar (C.G.) for the offence punishable under Sections 393 & 307 of I.P.C. and 25, 27 Arms Act.
3. Case of the prosecution, in brief is that complainant Gajanand Choubey is the Constable. On 02.06.2018 about 10:15 p.m. at New Bus Stand Jagdalpur, one unknown person snatched a bag from the complainant, caused injuries on his abdomen by knife. During Test Identification Parade said complainant identified applicant. As per the MLC report 4 incised wounds were found on the abdomen of

complainant. Injuries were caused by hard and sharp object. On the memorandum of applicant one spring knife was seized from the applicant.

4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case. He further submits that applicant is in jail since 03.06.2018. Thus, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Detention period of accused is considerable factor for disposal of the bail application. But actually it is also true that other circumstances like nature of the offence, gravity of the offence, impact of granting bail to the accused on society, are also material and important factors for disposal of the bail application.
7. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available on record against the applicant, looking to the gravity of offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge