

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8246 of 2018**

- Saroj Banjare S/o Sabad Banjare Aged About 45 Years R/o Village- Levai, Police Station- Balouda, Tahsil- Balouda, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Bankimongra, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Nitesh Shrivastava, Advocate.
For Non-applicant	: Shri Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22.01.2019

1. Case diary produced by Shri Rajkumar Vindhayraj, Police Constable, P.S. Bankimongra, Korba. Concerned Investigating Officer not present in person though Court has directed on 14.01.2019 to appear him in person.
2. ARJ is directed to initiate separate contempt proceeding against the said Investigating Officer.
3. Heard on bail application.
4. 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.
5. Perused the case diary provided by the learned counsel for the State in connection with crime No. 234/2011 registered at Police Station – Bankimongra, District- Korba (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
6. Case of the prosecution, in brief is that complainant Durga Bai is the wife of the applicant. On 10.12.2010 about 1:00 pm at Banki Mongra in his house, applicant caused injuries on the abdomen of the complainant by knife.
7. As per the MLC report of complainant two stabbed wounds were found on the abdomen of the complainant which were grievous in nature.
8. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
9. On the other hand, learned counsel for the State opposes the bail application.
10. Counsel for the applicant further submitted that the applicant is in jail since 13.09.2018, trial will take its own time, thus he may be released on bail.
11. Looking to the facts and circumstances of the case, looking to the injuries of the complainant, 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.
12. Certified copy as per rules.
13. The MCRC is disposed off with aforesaid directions.

Sd/-
(Sharad Kumar Gupta)
JUDGE