

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9388 of 2018**

Pramod Bharat Awasthi S/o Late Shri Jai Narayan Awasthi Aged About 50 Years R/o Village Masturi, P. S. Masturi, District Bilaspur CG

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Masturi, District Bilaspur CG

---- Respondent

MCRC No. 9769 of 2018

1. Sharda Shukla S/o Ganesh Prasad Shukla Aged About 33 Years

2. Santosh Shukla S/o Ganesh Shukla Aged About 45 Years

Both R/o Village Masturi, Police Station Masturi, District Bilaspur CG

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station In-Charge, Police Station Masturi, District Bilaspur CG

---- Respondent

For applicant in MCRC 9388/2018	Mr. PKC Tiwari, Sr. Adv. with Mr. Ashutosh Trivedi, Adv.
For applicant in MCRC 9769/2018	Mr. Dilmanrati Minj, Adv.
For complainant	Mr. Rajat Agrawal, Adv.
For Respondent/State	Mr. I. Lakra, Dy. GA.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18-1-2019**

1. As both the above bail applications arise out of same crime number of same police station, they are being disposed of by this common order.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
3. The applicants have been arrested in connection with Crime No. 448/2018 registered in police station Masturi, Distt. Bilaspur (CG) for offence punishable under Section 147, 148, 294, 323, 324, 307 and 506 of the IPC.
4. Perused the case diary.
5. Prosecution story in brief is that on 29-9-2018 at about 9.40 pm in front of block office at Masturi, applicants and some other persons reached there holding clubs, iron rods, knives. They abused

complainant Vivek Tripathi, beaten him by club, caused injury to Kamal Yadav by knife, caused injury on head of complainant Vinod by iron rod. They also caused injuries on his chest by knife. They also caused injuries to complainant Virendra Tripathi by club. They also gave threat to kill.

6. As per MLC report of complainant Rinku @ Vivek Tripathi two lacerated wound and two abrasions were found on his body.
7. As per MLC report of complainant Virendra Nath Tripathi, two abrasions and one contusion were found on his body.
8. As per MLC report of complainant Kamlesh Yadav, one incised wound on his left thigh and one abrasion were found on his body.
9. As per neurological certificate, Appolo Hospitals, Bilaspur in CT Scan, injury of brain was grievous in nature.
10. Counsel for the applicants argued that the applicants are innocent and falsely implicated. Counsel for applicant Pramod Bharat argued that counter case has also been registered against the complainants. Counsel for applicant Sharda submitted that prosecution has failed to show overt act of applicant Sharda Shukla. Counsel for all the applicants submit that applicants are in custody since long. In these circumstances, the applicants may be released on bail.
11. On the other hand, the State Counsel opposed the bail application. However, he submits that no criminal antecedent of the applicants is reported in the police case diary.
12. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicants.
13. Consequently, the MCRCs are dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge