

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9609 of 2018**

Rahul Bandhe, S/o Shri Madan Lal Bandhe, aged about 19 years, R/o Chatauni, P.S. Mandir Hasaoud, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Mandir Hasaoud, District Raipur (CG). **---- Non-applicant**

For Applicant	: Mr. Siddharth Rathod, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.01.2019

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.226/2018 registered in Police Station Mandir Hasaoud, District Raipur for the offence punishable under Sections 294, 506, 307 of IPC.
3. Case of the prosecution, in brief, is that the complainant Chandraprakash Dhrilahre is a resident of village Chatona. On 18.07.2018 at about 20.45 hrs. at village Chatona, the applicant abused the said complainant and gave threatening to kill him and caused injury on his neck by blade. As per operation notes, a lacerated wound size 11cm x 4cm x1.2 cm was found over anterior part of the said complainant neck. As per query report, Doctor opined that injury was sufficient to cause death.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that FIR has been lodged on next day and alleged shirt was not sent to forensic for medical examination. In X-ray, no bony abnormality was seen on the body of the said complainant hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant however he submits that no criminal antecedent reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the nature of injury, looking to the query report of Doctor and 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.
7. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE

L/-