

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9407 of 2018**

Narayan @ Golu, S/o Asharam Chandrakar, aged about 31 years, R/o Dhobghatti, P.S. Pandatarai, District Kabirdham (CG). **---- Applicant**

**Versus**

State of Chhattisgarh, through District Magistrate Kabirdham, District Kabirdham (CG). **---- Non-applicant**

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| For Applicant     | : Mr. Rakesh Pandey, Advocate     |
| For Non-applicant | : Mr. Sumit Jhanwar, Panel Lawyer |

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

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**21.01.2019**

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.181/2018 registered in Police Station Pandariya, District Kabirdham for the offence punishable under Sections 307 and 384 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 24.09.2018 at about 17:30 hrs at village Pandariya in front of liquor shop, the applicant demanded money from complainant Mallu consuming alcohol and when the complainant denied for giving the money, the applicant came along with knife and caused injury on his neck. As per MLC report of complainant, two sharps cutting were present on his neck. Size of one injury was 12cm x ½ cm x skin deep and size of another injury was 10cm x ½ cm x skip deep. Injuries were found by sharp object and nature was grievous. As per query report of doctor, if proper treatment would not have been provided, then the complainant could have died.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that charge-sheet has been filed and the applicant is in jail since 25.09.2018 and the complainant was hospitalized only for six days and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the prayer for grant of bail to the applicant however he submitted 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 injuries found on the neck of the complainant and looking to the query report of doctor, 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/-