

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3568 of 2016

1. Mukesh Baghel, age 38 years, S/o. Ramdas Baghel,
2. Chhotu @ Rajendra Kumar Baghel, age 24 years, S/o. Ramdas Baghel,

Both R/o. Village Narotikapa (Lamer), P.S. Kota, Civil and Revenue District – Bilaspur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kota, District – Bilaspur (C.G.)

---- Respondent

For Applicants	: Mr. Mukesh Sharma, Advocate
For Respondent/State	: Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/07/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.217/2015, registered at Police Station – Kota, District – Bilaspur (C.G.) for the offence punishable under Section 324, 307, 34 of Indian Penal Code. The first bail application was dismissed on merits on 13.01.2016 in M.Cr.C. No.7525/2015.
2. Case of the prosecution, in brief, is that on 29/06/2015 at about 8.30 in the morning the complainant saw the accused/applicants were

tilling their land. Thereafter, it was objected by the victim and the incident took place suddenly the quarrel broke out between the parties and the complainant Budhram Bhaghel sustained head injury and Shanti Baghel sustained hand and leg injuries and the other victim Prafull Baghel and Sanju Baghel sustained fracture on their legs. It was further stated that at the time of incident the assault was made by axe, club and lathi and as such they have committed offence punishable under Section 307, 324, 34 of I.P.C.

3. Learned counsel for the applicant submits that doctor in this case has been examined and reading the cross-examination of the doctor would demonstrate that injury which has been caused will not fall under Section 307 of I.P.C. and the doctor was not authorized to issue such injury certificate, therefore, presently no case is made out against the applicants. It is further submitted that out of 34 witnesses, 11 witnesses have been examined and the applicants are in jail since 26.11.2015, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the earlier rejection order dated 13.01.2016. The earlier bail application was dismissed on merits. Considering the fact that earlier bail application was dismissed on merits and the statement of the doctor has to be appreciated along with entire evidence when statement of the other witnesses are recorded and the argument of

the counsel can not be appreciated at this stage by only picking the statement of single witness. Considering the facts and circumstance of the case, I do not find any change of circumstances to reconsider the bail application again. It is for the trial Court to evaluate the evidence in its entirety, reading it with the other statement. In view of the above, I am not inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge