

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3646 of 2016

Rajkumar @ Raj Baghel Aged About 30 Years S/o Ramdas Baghel
R/o Village Narotikanpa (Lamer), P.S. Kota, Civil & Revenue Distt.
Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Kota, District Bilaspur Chhattisgarh

---- Respondent

For applicant - Shri Mukesh Sharma, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/07/2016

1. This is the second bail application filed under Section 439 of Cr.P.C. The earlier bail application was dismissed on 26/11/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.217/2015 registered in Police Station Kota, Distt. Bilaspur for offence punishable under sections 324, 307, 34 of Indian Penal Code.
3. As per the prosecution case on 29/06/2015 at about 8.30 in the morning the complainant saw the accused/applicant and other co-accused were tilling their land. Thereafter, it was objected by the victim and the incident took place. Suddenly, the quarrel was broken 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 the offence.

4. Learned counsel for the applicant submits that the applicant is in jail since 29/06/2015, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail. However, he submits that out of 31 witnesses 11 witnesses have already been examined and trial is going on and there is no change of circumstances.

6. Considering the fact that the earlier bail application was dismissed on 26/11/2015 and out of 31 witnesses 11 witnesses have already been examined, I do not find any reason to re-consider the bail application as no change of circumstances as appears to have exist, therefore this court is not inclined to release the applicant on bail.

7. Accordingly, the second bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE