

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6057 of 2016

- Rohit S/o Tirith Verma Aged About 31 Years R/o Village Amora, Tahsil & Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Pravin Dhurandhar, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.10.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.228/2016 registered at P.S. Bemetara, Distt. Bemetara (C.G) for the offence punishable under Section 364 & 307 IPC.
2. As per the prosecution case, on 30.04.2016 the applicant gave a phone call to complainant Madhusudhan to ascertain his whereabouts and after knowing the same he went there and asked him to accompany him to the medical store at village Bijabhat on his motorcycle. Instead of going to village Bijabhat, he was taking him to village Tendubhata, on the way, he stopped his vehicle and after answering the nature's call the applicant told the complainant that he was going to kill him, therefore, with whom he wanted to talk he may talk. The complainant talked to his father and friend, thereafter, he was strangled by way of Gamcha and subsequently

father and friend of the complainant rushed to the spot where they found the complainant lying on the ground in unconscious condition and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant submits that the doctor has been examined on 15.09.2016 as P.W.4 and he has stated that the injuries were simple in nature, therefore, it would go to show that the applicant has been falsely implicated. He further submits that since the doctor has not supported the happening of the incident and as the nature of injuries shows that there was no intention to kill, therefore, in view of the changed circumstances, the applicant may be enlarged on bail
4. Per contra, learned State Counsel opposes the bail.
5. Perused the rejection order dated 08.07.2016 which shows that the earlier bail application was rejected predominantly taking into consideration the statement of Madhusudan.
6. As has been stated, till date Madhusudan has not been examined. Considering the same I do not find any change of circumstances to consider the grant of bail to the applicant. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE