

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1600 of 2017

- Akash Pratap Singh S/o Late Shri Bhanu Pratap Singh, Aged About 23 Years R/o Malviya Nagar, Pondi, Post Office & Police Station Pondi, Tahsil Baikunthpur, District Koriya / Korea, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Pondi, District Koriya / Korea, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Shivendu Pandya, Advocate.

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22--3-2017

1. This is the second bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 20-8-2016 in connection with Crime No. 120 of 2016 registered at Police Station Pondi, District Koriya (CG), for the offence punishable under Sections 294, 506, 307/34 of the IPC. Earlier first bail application was dismissed on merits on 4-10-2016.
2. As per prosecution case, on 19-8-2016 at about 9.00 pm the applicant along with other co-accused assaulted one Chandani Jaiwal, who was running betel shop (Pan Thela) and abused him to give them Pan quickly. He refused to pay money and thereafter he assaulted the victim by stone on his head as a result of which he lost his conscious which was enough to cause death.

3. Learned counsel appearing for the applicant would submit that other co-accused namely Amit Singh has been released on bail vide order dated 2-1-2017 passed by this Court in M.Cr.C.No. 8331 of 2016, therefore, the applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the earlier bail rejection order which was dismissed on the ground of past antecedents of the applicant. On being asked, it is submitted by the State counsel that three criminal cases are to the credit of the applicant out of which two cases under Sections 294, 323 and 506 of the IPC along with Sections 25 & 27 of the Arms Act and another case under Sections 107 & 106 of the Cr.P.C.
7. Considering the facts and circumstances of the case, I do not find any change of circumstances to reconsider the second bail application.
8. Accordingly, the second bail application filed under Section 439 of Cr.P.C., is also liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju