

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1842 of 2017

1. Karan Nishad S/o Shri Itwari Nishad Aged About 19 Years R/o Nayapara, Chakarbhatta, Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.
 2. Akash Kumar Kenwat S/o Shri Shivkumar Kenwat Aged About 19 Years,
 3. Shyamu Kenwat S/o Shri Bahorik Kenwat Aged About 30 Years,
- Applicants No.2 and 3 R/o Village Karra, Police Station- Seepat, Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Seepat, District Bilaspur, Chhattisgarh.

---- Respondent

For applicants - Shri Dharmesh Shrivastava, Advocate.
For Respondent/State – Shri Om.P. Sahu, GA.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/04/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 4/11/2016 vide M.Cr.C. No.6784 of 2016.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 156/2016 registered in Police Station Seepat, District-Bilaspur (CG) for offence punishable under sections 302, 341, 323, 294, 34, 506, 120 B of Indian Penal Code.
3. As per the prosecution case, a report was made by Govind Kewat the deceased on 29/06/2016 that he had a dispute in the marriage and while he was coming back, present applicants alongwith Deepak intercepted and assaulted him. Subsequently, he died on the next day.
4. Learned counsel for the applicants submits that other two injured

Vishnu and Sunderlal have been examined and they have not identified the applicants and only on presumption the applicants have been inculpated and Govind Kewat has already died who lodged the FIR wherein applicants have not been named in the FIR, therefore the applicants may be released on bail.

5. Learned State counsel opposes the same.

6. Statement of the deceased Govind Kewat who lodged the FIR has named Deepak Kewat alongwith two others. In the memorandum statement of Deepak Kewat present applicants also named. Subsequently, recovery was made from Deepak Kewat of the club. Taking into such facts, I am not inclined to evaluate entire case on the statement of Vishnu and Sunderlal other injured. It is for the trial court to evaluate facts and evidence after all the witnesses are examined. Therefore, this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE