

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2855 of 2017

Ramjanam Patel, S/o. Radheshyam Patel, Aged About 38 Years, R/o. Village Kailashpur, Police Station Basantpur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Basantpur, District Balrampur – Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.05.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 31/2016 registered at Police Station- Basantpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 147, 294, 341, 323 & 307 of Indian Penal Code. The first bail application was dismissed on 19.12.2016 on merit in MCRC No.8029 of 2016.
2. Case of the prosecution, in brief, is that a report was made by one Krishna Patel on 23.03.2016 alleging that he was going with Shiv Lal in a motorcycle and because of old enmity, the applicant along with other accused persons stopped them, thereafter, assaulted them by way of club, whereby severe injuries were inflicted, which was enough to cause death. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the present applicant has been falsely implicated and four other co-accused namely Rambarat Patel, Mahabalendra, Shivparika Patel & Shivkant Patel have been enlarged on anticipatory bail by this Court in MCRCA No.1317 of 2016 and the case of the present applicant is similar to that of the other co-accused who have been enlarged on anticipatory bail, therefore, the present applicant may also be released on bail. He further submits that there is a delay in trial also, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Krishna Kumar Patel wherein the sole allegation have been attributed to this present applicant. The other co-accused have been enlarged on anticipatory bail on the ground that they will not inculcate initially but subsequently they were inculpated. It appears that wrong submission has been made to obtain bail on the wrong facts, which is apparently wrong on the face of the statement and the order of the other co-accused, therefore, the parity cannot be extended to this applicant. Considering the same, I do not find any change of circumstances to entertain this second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge