HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4959 of 2017

1. Virendra Singh, S/o. Mr. Ramdas Singh, Aged About 50 Years, R/o. Munundru, P.S. Chaal, Raigarh, Chhattisgarh
2. Mukesh Kumar Paswan, S/o. Mr. Shyamji Paswan, Aged About 21 Years, R/o. Pipra, P.S. Pipra, District Palamu, Jharkhand
3. Sonu Pandey @ Rinku, S/o. Mr. Dilip Pandey, Aged About 19 Years, R/o. Ward No.18, Dharsiva, P.S. Dharsiva, District Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Police Station Dharsiva, District Raipur, Chhattisgarh

---- Respondent

For Applicants : Mr. M.L.Saket & Mr. Ankur Agrawal, Advocates

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 298/2016 registered at Police Station- Dharsiva, District Raipur (C.G.) for the offence punishable under Section 307, 34 of Indian Penal Code. The first bail application Virendra Singh & Mukesh Kumar was dismissed on merit on 18.01.2017 in MCRC No.44 of 2017 and another first bail application of Sonu Pandey was dismissed on merit on 14.02.2017.

2. Case of the prosecution, in brief, is that a report was made by Balmukund Sharma alleging that at Siliyari, illegal liquors were being sold, as such, Balmukund Sharma and others in the

morning at 4 to 4:30 A.M. tried to catch hold of the sale of illegal liquor and when it was seen that in a vehicle bearing No.C.G. 04 HB 0804, the applicants were unloading the liquor and having been intercepted, they tried to run over the complainants and one of the complainant Kanhaiya Yadav sustained injuries and also the Tyre marks were received and the applicants fled away.

3. Learned counsel for the applicants would submit that the injured has been examined and he has not supported the case of the prosecution, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the earlier bail rejection orders. Considering the facts involved in this case, it would not be proper for this Court to adjudicate the case on merit by holding a trial while hearing the bail application. Taking into the facts in totality, 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

Ashok