

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5034 of 2017**

Anil Jaiswal S/o Late Shri Vishwanath Jaiswal Aged About 34 Years
R/o Village Odari, Police Station Chalgali, Balrampur, District
Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Chalgali, Balrampur, District Balrampur Ramanujganj
Chhattisgarh.

---- Respondent

For applicant - Shri Jitendra Shrivastava, Advocate.
For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****31/07/2017**

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 24/03/2017 vide M.Cr.C. No.1662 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 46/16 registered in Police Station Chalgali, Dist. Balrampur-Ramanujganj for offence punishable under section 341 & 307/34 of the Indian Penal Code.
3. As per the prosecution case, on 14/11/2016 a report was made by one Vijay Chaurasiya that on 14/11/2016 he went to Odari Market alongwith his friend Ripusudan Patel and while they were coming back, they went to shop of Anil Jaiswal where they consumed liquor and chicken, thereafter present applicant demanded car from Ripusudan Patel for some time, having refused the dispute started which aggravated and thereafter present applicant and other co-accused Shyam Sunder started assaulting the complainant and Ripusudan Patel by club whereby

Ripusudan Patel sustained grievous injuries over head and face and his right leg and right jaw were also broken and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that victim has been examined and he has not supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the fact that earlier bail application was dismissed on merits, I do not find any reason to decide this bail application by giving finding. It is for the trial court to adjudicate the entire case after entire evidence is complete before it. Only by picking up few statement of the witnesses it would not be proper for this court to adjudicate the case, therefore this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed. Learned trial court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE