

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8002 of 2017

Maan Singh Jangde S/o Shri Prisesar Jangde, Aged About 30
Years R/o Village Lachanpur, Choki Fasterpur, Police Station
City Kotwali District Mungeli Chhattisgarh, --- **Petitioner**

Versus

State of Chhattisgarh through Police Station City Kotwali
District Mungeli Chhattisgarh, --- **Respondent**

For the applicant	:	Mr. Vimal Tondey, Advocate
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.02.2018

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 45/2015 registered at Police Station City Kotwali, Mungeli Distt. Mungeli (C.G) for the offences punishable u/ss 147, 148, 149, 302, 307, 294 of IPC.
2. A perusal of the earlier orders would show that the first bail application was rejected on 14.12.2015 on merits and the second bail application was rejected on similar footing.
3. As per the prosecution case, in the night of 02.02.2015 at about 9 O'clock a quarrel took place between the complainant Santosh Jangde and one Pradeep and thereafter accused Pradeep came alongwith other accused Andeep, Kandeep & Mansingh and assaulted complainant and fled away. Thereafter, complainant reported the matter to his father Chaitu @ Omprakash, uncle Uttara (Chacha), brother Hemant and Rohit and all they have gone to the house of

Shankar to enquire about the assault. At that time, in between 10.30-11.00 p.m., in the night, the applicant along-with accused Pradeep, Andeep, Kandeep and Shankar in furtherance of common intention abused and badly assaulted the complainant party, as a result of which, Uttara died on the spot and Santosh, Hemant Rohit and Chaitu @ Omprakash sustained grievous injuries.

4. Learned counsel for the applicant would submit that the present applicant was not an aggressor, in fact, the complainant party had attacked the house of accused, thereafter in exercise of right of self defence, they tried to restrain the complainant party and in such process, the incident took place.
5. On the other hand, learned State Counsel opposes the bail application.
6. Learned state Counsel was directed to enquire about the reasons for the delay in trial. A letter of communication was placed on record wherein it is stated that two witnesses namely Prashant Kurre and the investigating officer G.R. Chouhan remained to be examined, however, because of the absence of counsel for the accused, they could not be examined and further date was fixed to be 06.03.2018 for evidence of both these witnesses.
7. Considering the fact that the evidence is at the verge of completion and the trial is at the fag end, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**