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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8879 of 2018**

Gopi Diwakar S/o Shri Lakhan Diwakar Aged About 25 Years R/o Pt. Deendayal Upadhyay Ward, Kali Mandir, Bhatapara, Police Station Bhatapara City Tehsil Bhatapara, Civil And Revenue District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Officer In Charge Police Station Bhatapara City District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ramesh Nayak, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/12/2018**

1. This is the Second Bail application under Section 439 of the CrPC.
2. First bail application was rejected on merits vide order dated 30/07/2018.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.37/2018 registered at Police Station Bhatapara City, District Baloda Bazar Bhatapara (C.G.) for the offence punishable under Section 302, 34 of IPC.
4. Case of the prosecution, in brief, is that on 26.01.2018 the present applicant namely Gopi Diwaker, co-accused Dev @ Bholu Sonwani along with Pramod Satnami quarreled with the deceased namely Ravi Nishad and told him that why you are driving the motor-cycle in speed. On 28.01.2018 the applicant and co-accused Dev @ Bholu Sonwani and Mahesh @ Chichi @ Chhotu had come near the house of deceased, at that time deceased Ravi Nishad had gone in provision store to purchase Gutkha at near temple of Bajrangbali. The applicant and co-accused Mahesh poured some inflammable substance upon his body and set him on fire.
5. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant is entitled to be released on bail.
6. State counsel has opposed the bail application.
7. There is no change of circumstances to get the benefit of Section 439 of CrPC in second round. Thus second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
 Judge