

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1040 of 2019**

S. Sai Kumar S/o S. Haribabu Aged About 21 Years R/o Indira Nagar,
W.R.S. Colony, Police Station - Khamtarai, Raipur, Tahsil And District
-Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station -
Khamtarai, District - Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kishore Narayan, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26/02/2019**

1. This is the second bail application under Section 439 of the CrPC.
2. Earlier first bail application of applicant was rejected by this Court on 25/10/2018 in MCRC No. 6884/2018.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.296/2018 registered at Police Station Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 307/34 of IPC.
4. Case of the prosecution, in brief is that complainant is the resident of Shivanand Nagar, Raipur. On 21/05/2018 about 3 p.m. co-accused Ghanshyam @ Baghawa and applicant S. Sai Kumar by hands and fist, caused the injuries on the body of the complainant Rupesh Kumar Jivnani, applicant Rajesh Nishad caused injury on his abdomen, co-accused Under @ Shiv caused injury on his body by burning wood.
5. Counsel for the applicant further submitted that complainant Rupesh Kumar Jivnani has been examined in trial Court and he had stated that co-accused Shiv Yadav and Rajesh had beaten him, thus applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. As per certified copy of PW-1 Rupesh Kumar Jivnani which is part of the bail application he had stated in para 1 during examination-in-chief that other co-accused had beaten him also.
8. There is no change of circumstances of the case on the strength of which the applicant is entitled to get benefit of Section 439 CrPC, consequently, second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge