

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1682 of 2019**

Shrawan Kumar S/o Jagatram Aged About 35 Years Caste - Uraon, R/o Panchvatipara (Chandrauti), Police Station - Passan, Tahsil - Podiuproda, District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Passan, District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

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|-------------------|---|-----------------------------|
| For the Applicant | : | Shri Aditya Khare, Advocate |
| For the State     | : | Ms. M. Asha, Panel Lawyer   |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****26/04/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 21/01/2019 in MCRC No. 8644/2018.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.55/2018 registered at Police Station Passan, District Korba (C.G.) for the offence punishable under Section 307/34 of IPC.
3. Prosecution story in brief is that on 9-7-2018 at about 10.00 am at village Karamdoli, Chandrauti Kateltola, on account of ploughing the field, applicant and co-accused Baldev started abusing and caused injuries by club and axe on the head of complainant Hansaram Kujur. When complainant Surendra intervened, co-accused Baldev caused injury on his head by club. Applicant Shrawan caused injury on body of complainant Amarlal Kujur by wooden log. Accused Vrandavan caused injuries on cheek of complainant Premasagar Kujur by axe. They had also given threat to kill them.
4. As per MLC report of complainant Amarlal Kujur, tenderness on right shoulder and mild contusion over right shoulder caused by hard and blunt object were found.

5. As per MLC report of complainant Premasagar Kujur, swelling and tenderness in both hand, tenderness in right shoulder caused by hard and blunt object were found.
6. As per MLC report of Surendra Kumar, one lacerated wound size 6 x 1 x 1 cm over left parieto-temporal region caused by hard and blunt object was found.
7. As per MLC report of complainant Hansaram Kujur, one incised wound over left occipital region size 7 cm x 1 cm x 1 cm caused by sharp object, one incised wound over upper lip size 5 cm x 13 cm x 1 cm and another lacerated wound caused by hard and blunt object was also found.
8. As per query report, the doctor opined that injuries found on the body of Hansaram Kujur were dangerous to life. As per X-ray report of Hansaram Kujur, no bony injury was seen.
9. Counsel for the applicant submitted that complaints have been examined and not stated against applicant, thus he may be released on bail. He drew my attention on para No. 7 of certified copy of statement of PW-1 Hansaram, para 10 of certified copy of statement of PW-3 Amarlal.
10. On the other hand, counsel for the State opposes the bail application. He further submits that three other criminal cases under the CrPC have been registered against the applicant.
11. It cannot be said that PW-1 Hansaram and PW-3 Amarnath are total hostile witnesses.
12. This is well settled legal position that while dealing the bail application Court cannot scrutinize or appreciate the evidence, at this stage this Court cannot see the merits and demerits of the case.
13. There is no change of circumstances which may entitle the applicant to release on bail in second round of litigation, consequently, second bail application is rejected.

Sd/-  
(Sharad Kumar Gupta)  
Judge