

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1926 of 2019**

- Rajesh Nishad S/o Kaliram Aged About 31 Years R/o Village Vijay Nagar, Bhanpuri, Police Station Khamtarai, Raipur District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, Raipur Civil And Revenue District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Ms. Sunita Sahu, Advocate.
For Non-applicant	: Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.04.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 25.10.2018 in MCRC No. 7624 of 2018 considering the prima facie case against the applicant.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 296/2018 registered at Police Station – Khamtarai, Raipur Civil And Revenue District – Raipur (C.G.) for the offence punishable under Sections 307, 34 of the Indian Penal Code.
4. Case of the prosecution, in brief is that complainant Rupesh Kumar Jivnani is the resident of Shivanand Nagar, Raipur. On 21.05.2018 at about 3 pm coaccused Ghanshyam, S. Sai Kumar and applicant caused injuries on the body of the complainant by hands and fists. Applicant caused injury on his abdomen. Coaccused Under @ Shiv caused injury on the body of the complainant by burning wood.
5. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. Counsel for the applicant further submitted that he was not involved in the alleged crime, FIR was lodged against Rajesh Udiya not against Rajesh Nishad, he drew my attention on para 9 of certified copy of statement of PW2 Nishant Jethua which is part of the bail application.
8. Applicant is different from Rajesh Udiya is the subject matter of scrutiny of the evidence which this Court cannot do at this Stage.
9. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE