

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1953 of 2019**

1. Suraj Malviya S/o Shankar Malviya Aged About 20 Years R/o Shivanand Nagar, Near Agrawal Patakha Gudhiyari, Raipur, District- Raipur, Chhattisgarh
2. Dinesh Das S/o Alekh Das Aged About 20 Years Through The Station House Officer, Police Station- Gudhiyari Raipur, District- Raipur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Gudhiyari Raipur, District- Raipur, Chhattisgarh

----Non Applicant

For the Applicants : Shri Dharendra Prasad Mishra, Advocate

For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15.04.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicants was rejected by this Court by order dated 05.02.2019 passed in MCRC No.9768 of 2018.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.348/2018 registered at Police Station- Gudhiyari Raipur, District-Raipur (C.G.) for the offence punishable under Sections 294, 327 & 506B of the Indian Penal Code.
4. Case of the prosecution in brief is that complainant Rahul Bhujade renders the service of Massage at home also. On 30.10.2018 at about 6 p.m. he had gone to Janghel Health Club, Raipur on telephonic call of coaccused Chandrashekhar Mudliyar. Co-accused Chandrashekhar Mudliyar and co-accused Manoj Kesharwani met him, some other persons also reached there, they made obscene talk with him they demanded Rs.500/- from the complainant to purchase the liquor. Co-accused Chandrashekhar Mudliyar and Manoj Kesharwani gave threats to kill him and forcibly got sucked their penis from him. During investigation when some video clips of seized mobile shown to some witness he identified co-accused Chandrashekhar Mudliyar, Manoj Kesharwani, applicants and complainant Rahul Bhujade.
5. Learned counsel for the applicants submits that charges framed against the applicants under Sections 294, 327, 506-B of IPC, thus applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no criminal antecedent against the applicants.
7. Looking to the facts and circumstances of the case, looking to this fact that there is no change in the circumstances of the case on the strength of which the applicants be released on bail in second round of litigation. Consequently, the second bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
 Judge