

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2234 of 2019**

1. Devesh Verma S/o Shri Gajanand Verma Aged About 18 Years R/o Sahu Para, Gudhiyari, Raipur, Tahsil And District- Raipur, Chhattisgarh
2. Karan Rathore S/o Shri Sunil Rathore Aged About 18 Years R/o Naya Mangal Bazar, Gudhiyari Raipur, Tahsil And District- Raipur, Chhattisgarh. Mo. No. 6263844401

---- Applicants**Versus**

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

---- Non Applicant

For the Applicants : Shri Manoj Kumar Sahu, Advocate

For Non Applicant : Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**16.04.2019**

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 dismissed for want of prosecution by this Court by order dated 27.02.2019 passed in MCRC No.1057 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.390/2018 registered at Police Station- Gudhiyari, District- Raipur (C.G.) for the offence punishable under Sections 147, 148, 149, 302 of Indian Penal Code, Section 25 & 27 of Arms Act.
4. Case of the prosecution, in brief is that name of deceased is Krishna Nepali. On 21.12.2018 at about 16:30 hours, near chhota cremation ground Pritam Nagar Raipur, applicants, co-accused Ritik Mulchandani, Sandeep Mule, beat deceased by hands and fists, co-accused Vikash Verma beat him by cricket bat, co-accused Rupesh Verma, Monu Porte beat him by wooden clubs. Co-accused Kishan Chandel caused injury on his abdomen by knife. The deceased was brought in the hospital, during the treatment he died. As per the Post Mortem Report the death of deceased was due to haemorrhage and shock, as a result of stab injury of abdomen, injury was homicidal in nature.
5. Learned counsel for the applicants submits that applicants allegedly reached on the spot after bringing deceased in the hospital. Sonu Meshram and deceased had beaten applicants earlier, a report was lodged against the applicants, this case is the counter of that case. Thus, applicants may 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 applicants.
7. Aforesaid circumstances raised by the counsel for the applicants are the subject matter of scrutiny of evidence. This Court at this stage can not scrutinize the evidence. At this stage, this Court can not consider the defence of applicants.
8. Looking to the above mentioned facts and circumstances of the case, looking to the evidence available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the second bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
 Judge

Parul