

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2332 of 2019**

1. Malikram S/o Jugutram Aged About 30 Years R/o Caste Patel, R/o Village Kaneti, Police Station, Tahsil Sakti Distirct Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Harishankar S/o Jugutram Aged About 36 Years R/o Caste Patel, R/o Village Kaneti, Police Station, Tahsil Sakti Distirct Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Panchram S/o Jugutram Aged About 39 Years R/o Caste Patel, R/o Village Kaneti, Police Station, Tahsil Sakti Distirct Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Sakti, District Janjgir Chamapa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Awadh Tripathi, Advocate.
For Non-applicant	: Shri S. Mishra, 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 has been rejected by this Court on 24.08.2018 in MCRC No. 5402 of 2018 considering prima facie case against the applicants.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No. 238/2018 registered at Police Station Sakti, Dist – Janjgir-Champa (C.G.) for the offence punishable under Sections 302, 294, 323, 506 of IPC.
4. Case of the prosecution, in brief is that on 23.04.2018 in the evening at village Kaneti when complainant Lilaram was returning back after giving reply of the nature's call, applicants had beaten him with iron rod, abused him and given threatening to kill. When his mother deceased Jamuna Bai intervened, applicants also beaten deceased Jamuna Bai. Due to the injuries deceased Jamuna Bai succumbed on 11.05.2018.
5. Learned counsel for the applicants submits that number of prosecution witnesses including the doctor have been examined in the case in hand. Earlier applicants have lodged report against complainants Leelaram and Roshan. As per the statement of PW8 Dr. Prashant Singh Bais only swelling was found on the left thigh of deceased. He drew my attention on true copies of statements of some witnesses which are part of the bail application, he further submitted that no vital injury was found on the body of the deceased, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. The aforesaid circumstances raised by the counsel for the applicants are the subject matter of scrutiny of evidence which this Court cannot do at this stage. It is well settled legal position that while deciding bail application Court cannot touch merits and demerits of the case. At this stage this Court cannot scrutinize the evidence or appreciate the evidence.
8. There is no change in the circumstance which may entitle the applicants to be released on bail in second round of litigation.
9. Looking to the entire materials available on record, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE