

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2540 of 2019**

Tarzan Jhariya @ Deepak S/o Naresh Jhariya Aged About 23 Years
R/o Heliyapara Kedarpur, Near Pahuna Shop, Ambikapur, District-
Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer P.S. Ambikapur,
District- Surguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

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 30/01/2019 in MCRC No. 68/2019.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.389/2018 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 394, 392, 294, 506, 323, 325, 34 of IPC.
3. Case of the prosecution, in brief is that on 13/08/2018 about 11.30 pm at village Kedarpur, applicant and three other co-accused abused complainant Rajat Shukla, gave threats to kill him, beat him by wooden club and iron rod and robbed Rs. 6850/-. As per the MLC report of complainant Rajat Shukla there was injury on his head. On the memorandum of applicant Rs. 500/- was seized from him.
4. Learned counsel for the applicant submitted that complainant Rajat Shukla has been examined in the trial Court. He drew my attention on para 3 of the certified copy of the statement of complainant which is the part of bail application.
5. On the other hand, counsel for the State opposes the bail application. He further submits that three other criminal cases have been registered

against the applicant out of which one under Arms Act and two under IPC.

6. It cannot be said that complainant Rajat Shukla is turned hostile. He had stated against the applicant in examination-in-chief.
7. This is well settled legal position that while dealing the bail application Court cannot scrutinize or appreciate the evidence. At this stage Court can not consider merits or demerits of the case.
8. There is no change of circumstances to get the benefit of Section 439 of CrPC in second round. Thus second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde