

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3229 of 2019

1. Saiyyed Mohammed Rauf S/o Saiyyed Mohammad Kadar Aged About 30 Years R/o Khan Bada Sarkanda, Police Station- Sarkanda, Tahsil And District- Bilaspur, Chhattisgarh.....Mo. No. 8103694095, District : Bilaspur, Chhattisgarh
2. Saiyyed Mohammed Adam S/o Saiyyed Mohammad Kadar Aged About 35 Years R/o Khan Bada Sarkanda, Police Station- Sarkanda, Tahsil And District- Bilaspur, Chhattisgarh.....Mo. No. 8103694095, District : Bilaspur, Chhattisgarh
3. Ravi Yadav @ Kallu S/o Chhedi Yadav Aged About 19 Years R/o Khan Bada Sarkanda, Police Station- Sarkanda, Tahsil And District- Bilaspur, Chhattisgarh.....Mo. No. 8103694095, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sarkanda, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Ratnesh Kumar Agrawal, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

19.06.2019

1. At the outset counsel for the applicants submitted that he does not want to press the bail application of applicant No. 1 Saiyyed Mohammed Rauf.
2. Accordingly, bail application of applicant No. 1 Saiyyed Mohammed Rauf is dismissed as not pressed. Now the bail application will continue for applicants No. 2 Saiyyed Mohammed Adam and 3 Ravi Yadav @ Kallu.
3. 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.
4. Earlier, the first bail application of the applicant has been rejected by this Court on 15.04.2019 in MCRC No. 1628 of 2019 considering the merits of the case.
5. Perused the case diary provided by the learned counsel for the State in connection with crime No. 1070/2018 registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 325, 307, 506/34 of the Indian Penal Code.
6. Case of the prosecution, in brief is that on 17.12.2018 at about 23:30 hrs at Khan Bada, Sarkanda, the present applicants abused the complainant Saiyyed Mohammed Yusuf and gave threats to kill him. The applicant No.2 – Saiyyed Mohammed Adam caused injury on the head of the said complainant by ladle. Thereafter, applicant No. 1 – Saiyyed Mohammed Rauf Aga snatched ladle from Applicant No. 2- Saiyeed Mohammed Adam and caused injury on the index finger of left hand of the said complainant. As per MLC report of said complainant, one contusion, one abrasion and two lacerated wounds were found on his body, out of these injuries, one lacerated wound was found on left temporo parietal region

over scalp. Doctor opined that nature of injuries appear to be simple in nature. As per query report, injuries of the said complainant are of serious nature, he was referred to higher center for further treatment, so possibility of death due to injuries can be ruled out. As per CT Scan report of said complainant, depressed fracture was found at the left parietal bone.

7. Learned counsel for the applicants submitted that there is no evidence available on record against applicant No.2 Saiyyed Mohammed Adam and applicant No. 3 Ravi Yadav, therefore, they shall be released on bail. He drew my attention on some paragraphs of the true copy of the statement of PW1 Saiyyed Mohammed Yakuf and PW3 Dr. S Varun.
8. On the other hand, learned counsel for the State opposes the bail application however submits that there is no antecedent against applicant No. 2 Saiyyed Mohammed Adam and applicant No.3 Ravi Yadav.
9. In the case in hand injured Saiyyed Mohammed Yusuf is to be examined.
10. Above mentioned facts and circumstance of the case raised by the counsel for the applicant are the subject matter of scrutiny. It is well settled legal position that at the time of dealing with bail application this Court neither can scrutinize nor appreciate the evidence. At this stage this Court cannot see the merits and demerits of the case.
11. There is no change in the circumstance which may entitle the applicants to get the regular bail in second round.
12. Accordingly, the bail application of applicants No. 2 Saiyyed Mohammed Adam and 3 Ravi Yadav @ Kallu is rejected.
13. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE