

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3261 of 2019**

1. Rahul Yadav S/o Late Tikaram Yadav Aged About 28 Years R/o Ward No. 52 Near Manas Bhawan, Borsi, Durg, Tashil And District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Somnath Yadav S/o Late Ram Yadav Aged About 27 Years R/o Ward No. 52, Near Manas Bhawan, Borsi, Durg, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh
3. Shubham Nirmalkar S/o Shri Ramavtar Nirmalkar Aged About 22 Years R/o Ward No. 52, Near Manas Bhawan, Borsi, Durg, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Abhishek Sharma, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/05/2019**

1. Admit.
2. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 28/03/2019 in MCRC No. 1763/2019 considering *prima facie* case against them.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.789/2018 registered at Police Station Durg, District Durg (C.G.) for the offence punishable under Sections 294, 506, 323, 324, 307, 34 of IPC.
4. Case of the prosecution, in brief is that on 25.09.2018 at about 10 pm near the Shitla pond, Borsi, Durg. Applicant and coaccused Billa @ Lileshwar Yadav abused complainant Gitesh Kumar Deshlahre, beat him, they caught hold him and Billa @ Lilesh Yadav caused injury on his back, abdomen, shoulder, head by knife. Doctor diagnosed penetrating injury in abdomen multiple with right side back lumber region with L/W right shoulder and Scalp with Ascending colon perforation through and through with right kidney lacunar with hamoperitonium. In query, the doctor

opined that due to injuries complainant could have died.

5. Learned counsel for the applicants submits that complainant Gitesh Kumar Deshlahre has been examined in trial Court and he turned hostile, thus applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
7. As per certified copy of the statement of complainant (injured) Gitesh Kumar Deshlahre recorded by the trial Court on 29/04/2019. He turned hostile and did not say anything against the applicants. He had stated that 5 – 6 persons had beat him injury was also caused by knife but due to dark on the spot he can not say who caused injury him. This circumstances are sufficient to enlarge the applicants on bail in second round of litigation, hence if the applicants furnishes one solvent surety for a sum of Rs. 25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde