

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3436 of 2019**

1. Vijay Dahariya, S/o Kishanlal Dahariya, aged about 25 years.
 2. Manish Goswami, S/o Prem Goswami, aged about 20 years.
- Both are resident of Village Purur, P.S. Gurur, District Balod (CG).

---- Applicants**Versus**

State of Chhattisgarh, Station House officer, Police Station Gurur,
District Balod (CG).

---- Non-applicant

For Applicants	: Mr. Prasoon Agrawal, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18.06.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.209/2018 registered in Police Station Gurur, District Balod for the offence punishable under Sections 294, 506(II), 323, 342, 147, 149, 170, 171, 386, 420, 354-³, 395 r/w 34 of Indian Penal Code.
3. The first bail application of the applicants was rejected on merits by this Court vide order dated 21.02.2019 passed in M.Cr.C. No.1185/2019.
4. Case of the prosecution, in brief, is that on 12.10.2018 about 11.30 p.m., complainants Gandhraj Singh, Sunil Kumar, Rajendra, prosecutrix were going from Purur to Agrotech Company Purur. Applicants Vijay and Manish reached near to them by separate motorcycles. Applicants Vijay and Manish stopped the complainants and prosecutrix. Applicants Vijay and Manish stated that they are the Policemen, abused them. Applicants Vijay and Manish made the allegation upon the complainants Gandhraj Singh, Sunil and Rajendra that they have brought prosecutrix for wrong purpose and demanded Rs.10,000/-, Rs.10,000/-, beat them by hands and fists. Applicants Vijay and Manish molested prosecutrix. Applicants Vijay and Manish had taken ATM of complainant Gandhraj Singh and Rajendra. Applicants Vijay and Manish gave threats to kill them and obtained Pin number. Meanwhile some unknown persons also reached there who assisted applicants Vijay and Manish. Applicant Vijay drew Rs.14,000/- through ATM of complainant Gandhraj Singh and Rs.2000/- from ATM of complainant Rajendra. Applicants and unknown persons had taken Rs.16,000/- from the complainants Gandhraj Singh and Rajendra and returned back their ATM. The complainants and prosecutrix were under fear, thus complainant Gandhraj Singh had given an application later on to the Police.
5. Counsel for the applicants submitted that the applicants have not committed any offence and have been falsely implicated in the case. He further submitted that prosecutrix had been examined by the trial Court and she turned hostile totally. The applicants are in jail for 08 months

and as such the applicants may be released on bail.

6. On the other hand, counsel for the State opposed the bail application.

7. In the case in hand, there are three complainants namely Gandhraj Singh, Sunil Kumar, Rajendra have to be examined before the trial Court. Hence, turning hostile of prosecutrix is not a sufficient ground to enlarge the applicants on bail in the second round of litigation and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicants be released on bail. Consequently, the second bail application is rejected.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-