

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3864 of 2019**

- Fagu Ram Dewar S/o Nangaihiya Dewar Aged About 58 Years R/o Karmada, Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Balodabazar, District Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Shri Satya Prakash Verma, Advocate.

For Non-applicant : Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.07.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 10.04.2019 in MCRC No. 2186 of 2019 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 147/2019 registered at Police Station – Balodabazar, District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 147, 148, 212, 294, 332, 353 and 506-B of the Indian Penal Code.
4. Case of the prosecution, in brief is that complainant Mahesh

Bharti is working as Head Constable and posted at City Kotwali, Balodabazar. On 09.03.2019 he received an information that accused Aarti Dewar has concealed him self in the house of his father namely Fagu Ram i.e. applicant. Against him arrest warrant has been issued. When the said complainant and other officials went near to the house of applicant, the applicant and coaccused Rajani Singh and Devla Bai Dewar abused them and gave threatening to kill them. The applicant and said coaccused beat the said complainant by wooden club and stone. The applicant and said coaccused also torn the uniform of said complainant. As per the MLC report of said complainant one lacerated wound was found on his body and injury was simple in nature.

5. The counsel for the applicant submitted that victim Mahesh Bharti has been examined in the trial Court, he has not stated against the applicant, thus he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application and submitted that six other criminal cases have been registered against the applicant out of which three are under IPC and three cases are under Cr.P.C.
7. Counsel for the applicant further submitted that all the other six criminal cases have been disposed off.
8. As per the certified copy of the statement of PW1 Mahesh Bharti he has stated against applicant during the examination in chief.
9. Mere disposal of the cases itself indicates that cases have been registered against the applicant.
10. There is no change of circumstances which may entitle the applicant to be released on bail in the second round of litigation.
11. Accordingly, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as

soon as possible.

12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

kishore