

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4267 of 2019**

Ramkrishna Tiwari @ Ramu @ Baga S/o Hinchha Lal Tiwari Aged About 20 Years R/o Siltara, Police Station Dharsiwa, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sudhir Verma, Advocate
For the State	:	Shri D.K. Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/09/2019**

1. This is the third bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 25/02/2019 in MCRC No. 1049/2019 considering *prima facie* case against him. His second bail application was dismissed for want of prosecution on 21/06/2019 in MCRC No. 2656/2019.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.440/2018 registered at Police Station Dharsiwa, District Raipur (C.G.) for the offence punishable under Sections 294, 506, 325, 307/34 of IPC and Section 25, 27 of Arms Act.
3. Case of the prosecution, in brief is that on 19/10/2018 about 18.30 hours, near the liquor shop at village Siltara, applicant caused injury on the right leg of complainant Shailesh Puri Goswami by frypan. He had also abused him and gave threatening to kill. As per the MLC report of complainant there was the fracture on right thigh. As per the query report doctor opined that there was the fracture in right leg along with wound, due to bleeding death might have been possible.
4. Counsel for the applicant submitted that he is innocent and falsely implicated in the present case. He further submitted that looking to the

para No. 3 photocopy of statement of complainant PW-2 Shailesh Puri Goswami the only offence which is made out is 325 of IPC, thus he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submitted that one criminal case under the excise act has already been registered against the applicant.
6. Looking to the above mentioned facts and circumstances of the case, considering the query report, *prima facie* it cannot be said that only offence punishable under Section 325 of IPC is made out. Looking to the above mentioned facts and circumstances of the case, looking to the *prima facie* material available on record against the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, third bail application is rejected.
7. Counsel for the applicant drew my attention on this point that only one witness has to be examined. Hence the trial Court is directed to expedite the trial and dispose of the case as soon as possible and preferably within a period of 30 days from the date of receipt of certified copy of this order.

Sd/-
(Sharad Kumar Gupta)
Judge