

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4249 of 2019**

- Anurag Suryavanshi S/o Ramnarayan Suryavanshi Aged About 26 Years R/o Village Khokhra, P.S. And Tahsil Janjgir-Champa Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Janjgir, District Janjgir-Champa Chhattisgarh

----Non Applicant

For the Applicant : Mr. Vishnu Koshta, Advocate

For Non Applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.07.2019**

1. This is third 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 was rejected by this Court by order dated 25.10.2018 passed in MCRC No.6911 of 2018 considering prima facie case against him, his second bail application was also rejected by this Court by order dated 21.01.2019 passed in MCRC No.9069 of 2018 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.494/2018 registered at Police Station- Janjgir, District- Janjgir- Champa(C.G.) for the offence punishable under Sections 294, 323, 327, 307, 506 of the Indian Penal Code.

4. Case of the prosecution in brief is that Girja Singh Gaharwar was the Supervisor of the Contractor Subhash Kumar Agrawal. On 17.08.2018 applicant quarreled with him, abused him and asked that they have dumped the boulder in his land, thus they pay rent for it. At that time complainant-Chowkidar Manoj Kumar Suryawanshi reached there and tried to pursue. Applicant threatened complainant Manoj Kumar, abused him and caused injury on his head by iron pipe. Fracture was found on his temporal and parietal bone. Private doctor had given the opinion that if the complainant Manoj Suryawanshi would not have got complete treatment then he may die.
5. Counsel for the applicant submitted that in the case in hand, there was neither intention nor the knowledge. Accident took place all of a sudden, applicant is in jail since one year. He drew my attention on the statement of certified copy of complaint. In the case in hand Section 307 IPC does not attract.
6. On the other hand, learned counsel for the State opposes the bail application, however, she submits that one another criminal case under the Excise Act has been registered against the applicant.
7. Prima facie it cannot be said that Section 307 IPC does not attract in the case in hand.
8. Looking to the above mentioned facts and circumstances of the case, there is no change of circumstance which may entitle the applicant to be released on bail in second round of litigation. Consequently, the third bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

pm