

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4874 of 2019**

1. Mogra Bai Vishwakarma, aged about 46 years, W/o late Brijlal Vishwakarma.
 2. Akashdeep, aged about 24 years, S/o late Brijlal Vishwakarma.
 3. Sharad, aged about 21 years, S/o late Brijlal Vishwakarma.
- All are resident of Near Mata Choura Mahmand Police Station Torwa, Tahsil & District Bilaspur (cG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Torwa, Tahsil & District Bilaspur (CG).

---- Non-applicant

For Applicants	: Mr. Ratnesh Kumar Agrawal, Advocate
For Non-applicant	: Mr. Dinesh Kumar Tiwari, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.08.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.407/2018 registered at Police Station Torwa, District Bilaspur for the offence punishable under Sections 307, 326, 294, 506/34 of Indian Penal Code.
2. The first bail application of the applicants was rejected on merits by this Court vide order dated 16.01.2019 passed in M.Cr.C. No.9784/2018 considering prima facie case against them.
3. Case of the prosecution in brief is that on 05.10.2018 complainant Uday Kumar Vishwakarma had gone into the house of applicant No.1- Mogra Bai, who is his Dedhsaas. The said complainant and his family members were slept in the courtyard. At about 12:30 a.m., the applicants made allegation upon the complainant that why he had entered in the room of applicant No.1-Mogra Bai. Applicant No.2-Akashdeep and applicant No.3-Sarad caught hold the said complainant, abused him and gave threat to kill him. Applicant No.-1 Mogra Bai cut

the private part of the complainant by blade.

4. Counsel for the applicants argued that the applicants are innocent and have been falsely implicated in the case. In support of his case, he drew my attention on photocopy of final report of Crime No.406/2019, which is a part of bail application. As per that final report, applicant No.1-Mogra Bai Vishwakarma had lodged report against the complainant Uday Kumar Vishwakarma that he entered in her house and tried to molest her. He further submitted that in that final report, the name of applicant No.2-Akashdeep and applicant No.3-Sarad are missing. In revenge/To take defence the complainant filed the report against the applicants. The applicants are in jail since 07.10.2018 hence they may be released on bail.

5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicants in police case diary.

6. In Crime No.407/2018 the materials clearly indicate that applicant No.2-Akashdeep and applicant No.3-Sarad had caught hold the complainant, they abused him and gave threat to kill. Applicant No.1-Mogra Bai cut the private part of the complainant by blade.

7. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicants may be released on bail in the second round of litigation. Consequently, the second bail application is rejected.

8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE