

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5635 of 2019**

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

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baloda Bazar, Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Satya Prakash Verma, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.09.2019**

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 10.04.2019 passed in MCRC No.2186 of 2019 considering this fact that six other criminal cases have been registered against the applicant out of which 3 under IPC and 3 under Cr.P.C., his second bail application was rejected by this Court by order dated 24.07.2019 passed in MCRC No.3864 of 2019 considering this fact that there is no change of circumstances.

3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.147/2019 registered at Police Station-Baloda Bazar, District- Baloda Bazar-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. Counsel for the applicant submitted that applicant is in jail since long back, trial has not concluded. Two other co-accused have been released on bail thus applicant may also be released on bail.
6. Counsel for the applicant placed reliance in the order of Coordinate Bench of this Court in the matter of **Ram Gopal Dahariya Vs. State of Chhattisgarh 2015(4)CGLJ 196**. He further submitted that all the other six criminal cases have been disposed off.
7. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there are 6 other criminal cases have been registered against the applicant.
8. Detention period of the accused and delay in trial are considerable factors for deciding the bail application.
9. Gravity of the offence, effect of granting bail to the accused on society are also material factors to decide the bail application.
10. In the matter of **Ram Gopal Dahariya Vs. State of Chhattisgarh(Supra)**, no legal principle has been laid down

regarding bail.

11. Looking to the above mentioned facts and circumstances of the case, looking to this fact that six other criminal cases have been registered against the applicant, this Court is not inclined to release the applicant on bail in third round of litigation.
12. Consequently, the third bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

PM