

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6332 of 2019**

- Sanju Dhangar S/o Bhavani Dhangar Aged About 21 Years R/o - Mahatma Gandhi Nagar, Gali No 01 And 02 Village -Amalidih, Raipur Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - New Rajendra Nagar, District- Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**---- Non-applicant**

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For Applicant : Shri Shivendu Pandya, Advocate.

For Non-applicant : Shri H.S. Ahluwalia, Deputy Advocate General

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****01.10.2019**

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 05.02.2019 in MCRC No. 661 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. 174/2018 registered at Police Station – New Rajendra Nagar, District – Raipur (C.G.) for the offence punishable under Section 147, 148, 149, 186, 353, 294, 506-B, 323, 324, 307/34 of the Indian Penal Code and 25/27 of the Arms Act.
4. Case of the prosecution, in brief is that complainants Shyamsundar, Sunil, Akhilesh are the employees of electricity company. On 16/08/2018 at about 10:45 Pm at Amlidih, at electricity office near Himaliya Heights Raipur applicant and other coaccused reached there, started abusing, gave threats to kill, obstructed official work, started to beat complainants Shyamsundar, Sunil

and Akhilesh. Coaccused Rohit Kumar Sahu caused the injuries on the body of complainants Shyamsundar and Sunil by knife. As per the MLC report of the complainant Sunil one sharp wound was found over right lower abdomen and chest. Doctor opined the injuries as grievous in nature. As per the chest radiograph of complainant Sunil no significant abnormalities detected in chest x-ray. As per the summary of complainant Sunil double stab wound, chest/abdomen with liver laceration were found.

5. Counsel for the applicant argued that now the situation has changed. Complainant Shyamsundar, sunil and Akhilesh have been examined by the trial Court. Injured complainant Sunil and Shyamsundar did not say against applicant and turned hostile. To substantiate his argument he drew my attention on the true copy of the statement of P.W.6 Sunil, P.W.7 Shyamsundar which are parts of the bail application thus, he may be released on bail.

6. Per contra, learned counsel for the State opposes the bail application, and submits that P.W.1 complainant Akhilesh Kumar Prajapati had stated against applicant in examination in chief, however submits that there is no antecedent against the applicant in the case diary.

7. As per the true copy of the statement of P.W.1 Akhilesh Kumar Prajapati he has stated in examination in chief against the applicant.

8. This is well settled legal position that while dealing with the bail application, this Court neither can scrutinise the evidence nor appreciate the evidence. Only the trial Court is competent to do so after the conclusion of the evidence and before pronouncing the judgment.

9. Looking to the facts and circumstances of the case, this Court finds that there is no material change in the circumstances which may entitle the applicant to be enlarged on bail in second round of litigation, consequently, the present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
**JUDGE**