

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6594 of 2019**

Neelkanth Chandrakar, S/o Gajju Chandrakar, aged about 52 years, Village Baldakachhar, Thana Kasdol, District Baloda Bazar Bhatapara (CG).

---- Applicant**Versus**

State of Chhattisgarh, through the Police Station Kasdol, District Baloda Bazar Bhatapara (CG).

---- Non-applicant

For Applicant	: Mr. Deepak Jain, Advocate
For Non-applicant	: Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.12.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.347/2018 registered in Police Station Kasdol, District Baloda Bazar Bhatapara for the offence punishable under Sections 294, 506, 323, 435, 307/34, 394 of Indian Penal Code.
3. The second bail application of the applicant was dismissed as withdrawn by this Court vide order dated 18.06.2019 passed in M.Cr.C. No.3501/2019.
4. Case of the prosecution, in brief, is that complainant Kuldeep Sharma had the contract for sand excavation from Gram Panchayat Baldakachhar. On 20.07.2018 at Baldakachhar, applicant and co-accused Bhushan Dhruw, Chhannulal and Rameshwar Sahu reached there. They abused the said complainant and beat him. They also beat his companion Sourabh Gupta by hand, clubs, rods and sickles. They also set his vehicle on fire. The applicant took out an amount of Rs.3,00,000/- from the pocket of the said complainant.

5. Counsel for the applicant, in support of the case, drew my attention on para No.24 of statement of Kuldeep Sharma (P.W.6). He further submitted that seizure witnesses have turned hostile before the trial Court, hence the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. He further submitted that no criminal antecedent has reported against the applicant as per police case diary.
7. Kuldeep Sharma (P.W.6) has stated against the applicant in para No.4 during the examination-in-chief. In F.I.R. and in his statement recorded under Section 161 of Cr.P.C., it has been mentioned that the applicant looted an amount of Rs.3,00,000/- from his pocket.
8. In the case in hand, Investigating Officer is to be examined.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in the second round of litigation. Consequently, his second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible from the date of receipt of certified copy of this order.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE