

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 169 of 2019**

1. Umesh Yadav S/o Seuk Ram Yadav, aged about 24 years, R/o Village Latuwa, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar, Bhatapara, Chhattisgarh.
2. Pitambar Yadav S/o Seuk Ram Yadav, aged about 18 years, R/o Village Latuwa, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Baloda Bazar District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Shri Nitesh Shrivastava, Advocate.
For Respondent/State : Shri Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order**

10/01/2019

1. This is the second bail application preferred by the applicants under Section 439 of Cr.P.C. for grant of bail as they are arrested in connection with Crime No.233/2016 registered at Police Station City Kotwali, Baloda Bazar, District Baloda Bazar- Bhatapara (C.G.) for offence punishable under sections 147, 148, 149, 120-B, 307, 302 of IPC and Section 3(2)(5) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. The first bail application of the applicants has been dismissed for want of prosecution by order dated 22.11.2018 passed in M.Cr.C. No. 8733/2018.
3. As per the prosecution case, dispute arisen between the

members of Yadav family and Dhruw family due to which some family members sustained injuries and the offence has been committed.

4. Learned counsel for the applicants submits that the present applicants have been falsely implicated in the case and no overt act has been committed by the present applicants. Only one alleged *Gaiti* has been recovered from them. Therefore, commission of offence cannot be attributed to the present applicants. He further submits that the applicants are in jail since 23.06.2016. As the charge sheet has been filed and the trial likely to take some time, therefore, the present applicants be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Perused the order. Considering the submissions made by learned counsel for the applicants, at this stage it would not be proper to evaluate the role played by the applicants. It is for the trial Court to consider the same after all the other evidences are brought on record. Considering the facts and circumstances of the case, this court is not inclined to release the applicants on bail.

7. Accordingly, the bail application stands rejected.

SD/-

(Goutam Bhaduri)
JUDGE