

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2905 of 2020**

- Vishwanath S/o Late chitthu Ram aged about 67 years, Caste-Sahu (Teli), R/o Village Bijuri Road, Kelhari, Thana-Kelhari, Tahsil manendragarh, District-Koriya, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh, Through : Police Station Kelhari, District Koriya, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Parag Kotecha, Adv. |
| For Respondent/State | : Ms. Sunita Jain, G.A.   |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****14/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this **second bail** application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 28/2019 registered at Police Station - Kelhari, District-Koriya (C.G.) for the offence punishable under Sections 307, 294, 506, 323 r/w 34 of the IPC.
4. The first bail application of the applicant was dismissed by this Court on 28.11.2019 in MCRC No. 6406/2019
5. It is the case of the prosecution that, present applicant with other accused, beaten the complainant, who is daughter-in-law of the applicant, brutally with the help of lathi, hand and fist. After completion of investigation, alleged offences have been registered against the applicant. Present applicant has been taken into custody on 13.07.2019.
6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that there is no direct evidence against the applicant and only on the basis of the suspicion, applicant has been involved in the crime in question. The applicant is in jail since 13.07.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

7. On the other hand, learned counsel for the State opposing the bail application submits that there is clear evidence against the present applicant showing his involvement in the case. Thus, it is not a fit case where applicant may be released on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, gravity of offence, and further considering the quality of evidence in question, particularly considering the case-diary it comes in the light that applicant along with other co-accused has beaten the victim brutally with the help of lathi, hand & fist, due to which, the victim got serious injuries, thus, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of three months from the date of receipt of copy of this order.

**Sd/-  
(Rajani Dubey)  
Judge**