

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4109 of 2020**

- Neelkanth Chandrakar S/o Gajju Chandrakar Aged About 52 Years R/o Village- Baldakachhar, Thana- Kasdol, Distt.- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kasdol, Distt. Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Shri Deepak Jain, Advocate.

For Non-applicant : Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.08.2020**

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 has been rejected by this Court on 18.06.2019 passed in MCRC No. 3501 of 2019 considering the prima facie case against the applicant and his second bail application has been rejected by this Court on 04.12.2019 passed in MCRC No. 6594 of 2019 considering the prima facie case against him.
3. The applicant has been arrested in connection with the Crime No.347/2018 registered at Police Station Kasdol, District Baloda Bazar Bhatapara (C.G.) for the offence punishable under Sections 294, 506, 323, 435, 307/24, 394 of IPC.
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. Learned counsel for the applicant submitted that the trial Court had fixed the case for judgment on 20.02.2020, but due to lockdown the judgment was not pronounced. Hence, the applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application. However, submits that there is no criminal antecedent against the applicant as per the police case diary.

7. In the case in hand the entire evidence has been recorded by the trial Court. Only the judgment is to be pronounced. The trial Court is unable to pronounce the judgment due to lockdown. After lifting the lockdown, the regular work of the Court would commence and the trial Court may pass the judgment.

8. In these circumstances, this Court finds that this is not a fit case to release the applicant on bail in third round of litigation, consequently, his 3rd bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE