

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4094 of 2020

RESERVED ON 15-7-2020
DELIVERED ON 16-7-2020

- Bappi Sav S/o Shri Krishna Sav Aged About 26 Years R/o Village Bhainsa, Police Station Kharora, District (Revenue And Civil) Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kharora, District Raipur Chhattisgarh.

.....Non-applicant

For the Applicant	:	Shri Yogesh Pandey, Advocate
For Non Applicant	:	Shri D.K.Tiwari, Dy.Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta
CAV Order

1. This is 2nd bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. His no other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 25-2-2019 passed in MCRC No. 1027/2019 considering prima facie case against him.
3. The applicant has been arrested in connection with Crime No. 320/2018 registered in police station Kharora distt. Raipur (CG) for offence punishable under Section 186, 332, 506, 307 of IPC.
4. Case of the prosecution, in brief, is that on 12-9-2018, the applicant abused the complainants Vishnu Prasad Verma, Head Constable and Neeradhar Kunjam, Constable. The applicant caused injury on the head of complainant Vishnu Prasad Verma by Pepsi bottle. As per MLC report, one abrasion was found on his head, which was simple in nature.
5. Counsel for the applicant submits that in the case in hand, P.W. 9 Dr. Yashpal Khanna has examined the injured and he opined that injury

is simple in nature, the applicant is in jail since 16-1-2019, earlier registration of offences are before the year 2014, hence the applicant may be released on bail.

6. On the other hand, counsel for the State opposed the bail application. He submitted that as per police case diary total 15 criminal cases have already been registered against the applicant, out of which 5 cases under IPC, 1 case under Excise Act, 2 cases under Gambling Act, 1 case under EC Act and 6 cases under Cr.P.C.
7. This is true that period of detention of the accused and delay in trial are the material factors for disposal of bail application of accused but it is also equally true that seriousness of the offence and impact of grant of bail to the accused on society are more important and material factors for disposal of the bail application filed by the accused.
8. This is also well settled legal position that while deciding bail application this Court can neither scrutinize nor appreciate the evidence. It is only the trial Court which is competent to do it at the time of appreciation of evidence.
9. Looking to the above facts and circumstances of the case and looking to the fact that 15 other criminal cases have already been registered against the applicant, this Court finds that it is not a fit case where the applicant may be released on bail in 2nd round of litigation.
10. Consequently, this 2nd bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge