

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4532 of 2020**

- Mangal Tandi S/o Shri Gulabo Tandi aged about 22 years, R/o jagriti Nagar, Gali No. 326, Devendra nagar, District-Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station G.R.P. Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S. P. Sahu, Adv.
For Respondent/State	: Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/08/2020**

1. 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. 297/2019 registered at Police Station - G.R.P. Raipur, Civil and Revenue District-Raipur (C.G.) for the offence punishable under Section 394 of the IPC.
2. The first bail application of the applicant was dismissed by this Court on 25.02.2020 in MCRC No. 833/2020.
3. The prosecution story, in brief is that, the complainant Kartik Naidu filed a written complaint that he had gone along with 14 cricket players to Mahasamund for playing cricket match. When they were returning from Mahasamund by passenger train, the train stopped before the Raipur Railway Station. When those all players were talking with one-another at that time, one of the co-accused person, who was talking over phone, started hurling abuses to the players and when Sumit Agrawal Stopped the co-accused to do so, the applicant along with other co-accused started assaulting them with help of

club and sharp edged weapon due to which they sustained grievous injuries. Applicant along with other co-accused persons also snatched mobile phones of Sumit and Vaibhav, Thereafter, they made a complaint before G.R.P., Raipur. Based on this, after investigation, offence has been registered against the present applicant and other co-accused.

4. 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 no seizure from the applicant, main allegation is against the co-accused Hemant Sikka. The applicant is in jail since 19.11.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, learned counsel for the State opposing the bail application submits that the applicant along with other co-accused did a very serious crime, assaulting the cricket players and also looted them in a public place, and the accused and other co-accused persons is identified by the complainant in TIP. Thus, it is not a fit case where applicant may be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. 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 six months from the date of receipt of copy of this order.

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