

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5276 of 2020**

1. Daras Ram Yadav, S/o Tularam Yadav, Aged about 55 years,
2. Jagmohan Yadav, S/o Darash Ram Yadav, Aged about 29 years,
3. Ghanshyam Yadav, S/o Darash Ram Yadav, Aged about 21 years,

All applicants are R/o Daihan Para, Balko Nagar, Korba (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through: Police Station Balko Nagar, District Korba (C.G.), Revenue District Korba (C.G.)

---- Respondent

For Applicants : Mr. Raj Kumar Gupta, Advocate.
For Respondent/State : Mr. Vimlesh Vajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board**

25/08/2020

1. The accused/applicants have moved this second bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 418/2019 registered at Police Station- Balko, District & Revenue District- Korba (C.G.) for the offence punishable under Sections 302, 307, 34 of the Indian Penal Code, 1860.
2. The first bail applications of the applicants were dismissed as withdrawn with liberty to revive the same after examination of the material witnesses by this Court on 14.02.2020 in MCRC Nos. 8424/2019 and 383/2020.
3. As per the prosecution case, on 11.10.2019, the informant/complainant Ramin Bai Yadav has lodged the FIR against the present applicants that the applicant No. 3 Ghanshyam Yadav came in her daughter-in-law's home on 10.10.2019 and thrown stone, then they asked why he is

throwing stone, there is quarrel between the other accused Daras Ram and Jagmohan came with stick and club and started beaten to them. Due to injuries, husband of the complainant Brijmohan has died and Ram Bharoshe got injuries.

4. Learned counsel for the applicants submits that the applicants are innocent and has been falsely implicated in the crime in question. He further submits that there is no direct evidence to connect with the incident. He next submits that the applicants are in jail since 12.10.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicants did a very heinous crime, therefore, it is not a fit case to release them 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 them on bail.
8. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge

Vasant