

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5783 of 2020**

- Manoj Bagh S/o Raju Bagh Aged About 22 Years R/o Vidhya Mandir, Back Side Of Hanuman Temple, Police Station City Kotwali, Raipur, District Raipur, Chhattisgarh. Permanent Resident Of Village Biji Padar, Police Station Raja Kharihar, District Kalahandi, Orissa.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- City Kotwali, Raipur, District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Shri Krishna Kumar Dewangan, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****27/08/2020**

1. Heard.
2. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 31.12.2019 in connection with Crime No.376/2019 registered at Police Station City Kotwali, Raipur, District Raipur (CG) for the offence punishable under Sections 324 & 307 of the IPC.
3. The first bail application bearing M.Cr.C. No.1346 of 2020 was dismissed on merits on 13.05.2020.
4. As per the prosecution case, on 31.07.2019 at about 10.30 p.m., the applicant

assaulted the complainant by sharp edged article i.e. scissors on his stomach, as a result of which, the complainant sustained serious injury in his stomach and was hospitalized from 02.08.2019 to 19.08.2019.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no offence is made out under Section 307 IPC. He would further submit that no proceeding is being continued in the Court below, therefore, the applicant may be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. Since the earlier bail application was dismissed on 13.05.2020 on the merits, and prima facie at present, I do not find any change of circumstances. The pandemic situation and limited functioning of the Court is applicable to all the person even to the person who are accused in jail. The nature of allegation against the applicant is not minor offence, therefore, because of only pandemic situation since recording of evidence is being deferred for the time being, bail cannot be claimed as a matter for right. Accordingly, the instant second bail application filed under Section 439 of Cr.P.C. is also dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu