

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6092 of 2020**

1. Rambihari Ekka And Ors. S/o Darbari Ekka Aged About 37 Years R/o Village- Premnagar, Police Station- Korandha, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Ashok Kumar Tigga S/o Rupan Ram Aged About 31 Years R/o Village- Dipadih, Police Station- Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
3. Surendra Ram S/o Dhankuwar Aged About 29 Years R/o Village- Devari, Police Station- Korandha, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
4. Deendyal Uraon @ Sunil S/o Tribhuwan Uraon Aged About 26 Years R/o Village- Mahuatolli, Police Station- Korandha, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station- Kusmi, District-Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri A.K. Yadav, Advocate
For the State	:	Shri D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29/10/2020**

1. Heard.
2. Case diary is available.
3. This is the second bail application under Section 439 of the CrPC.
4. Earlier first bail application of the applicants was dismissed as withdrawn by this Court vide order dated 12/04/2019 passed in MCRC No. 8658/2018.
5. Perused the case diary in connection with the Crime No.34/2018 registered at Police Station Kusmi, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 302, 147, 149 of IPC.
6. Case of the prosecution, in brief is that on 06/05/2018 about 10-11 a.m. applicants beat deceased Yashwant by hands and fists and as a result of injuries, deceased Yashwant succumbed.
7. Counsel for the applicants submitted that applicants are in jail since about

2½ years, no material progress in trial, deceased was habitual offender, he absconded four women. Applicants lodged report against deceased. It is not natural that in presence of policeman he was beaten by applicants, hence applicants may release on bail.

8. On the other hand, counsel for the State opposes the bail application.
9. This is true that detention period of the accused and delay in trial are material factors for disposal of the bail application filed by the accused but equally it is also true that seriousness of the offence, impact of granting bail to accused on society are more important and material factors for disposal of the bail application filed by the accused.
10. It is also well settled legal position that while deciding the bail application Court cannot touch the merits and demerits of the case.
11. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where applicants may release on bail in second round of litigation. Consequently, second bail application of the applicants is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible after resuming the regular work of the Court.

Sd/-
(Sharad Kumar Gupta)
Judge