

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 1-03-2021Order delivered on 10-03-2021MCRC No. 1315 of 2021

- Hemsagar Patel (Malakar) S/o Tekram Aged About 40 Years Agriculturist, R/o Village Barampura, Police Station Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through , Station House Officer, Police Station Sariya, District Raigarh Chhattisgarh.

---- Respondent

For Applicant Mr. Awadh Tripathi, Advocate

For Respondent /State Mr. Ravish Verma, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Heard.
2. This is the **second bail application** filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 60/2020 registered at Police Station Sariya, District - Raigarh C.G. for the offence punishable under Sections 147, 148, 294, 506, 323 & 307 of the I.P.C.

3. The first bail application of the applicant Hemsagar Patel (Malakar) was dismissed as withdrawn by a detailed order passed in MCRC No.6153 of 2020.
4. Learned counsel for the applicant would argue that the applicant is in jail since last about 9 months, therefore, considering that only one person was grievously injured, the applicant is entitled to be released on bail.
5. Learned counsel for the State, *per contra*, would oppose the bail application.
6. Considering the fact that the victim Digeshwar Patel and other members of his family were attacked by the accused persons by means of *danda*, club, hand & fist and the victim has suffered fracture of left fronto parietal bone and was having intracranial bleeding as also bleeding from nose and this applicant has taken active part in making assault, I am not inclined to release the applicant on bail.
7. Accordingly, the **second bail** application is rejected. However, liberty is reserved in favour of the applicant to revive the prayer after examination of material witnesses including the injured.

SD/-

(Prashant Kumar Mishra)
Judge