

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4101 of 2021**

- Ram Singh Parihar S/o Shri Chandra Kumar Parihar Aged About 25 Years R/o Gondpara Police Station City Kotwali Tahsil Bilaspur District Bilaspur Chhattisgarh

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Rohit Sharma, Advocate

For Respondents/State : Shri Gagan Tiwari, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****01/07/2021**

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 22.08.2020 in connection with Crime No.206/2018 registered at Police Station City Kotwali, District Bilaspur (CG) for the offence punishable under Sections 451, 294, 506, 302, 34 of Indian Penal Code & Sections 4 & 5 of Tohni Pratarna Act.
3. The First Bail Application bearing MCRC No.7934 of 2020 was dismissed on 10.12.2020.

4. As per the prosecution case on 5/05/2018 the applicant along with other co-accused entered into the house of the deceased Shatrughan Tiwari and assaulted him by hand and fist at about 12.40 in the night which was reported and the injured was treated in different hospital and was operated for head injury and eventually succumbed to the injury.
5. Learned counsel for the applicant submits that the deceased was said to be assaulted at 12 O'Clock in the mid night, however, in the CIMS medical college time has been shifted to 12 AM in the morning. He would further submit that the medical report also shows that he was in the intoxication of cannabis and the discharge was made at the behest of the family members of the deceased, therefore, the applicant cannot be held liable for the offence punishable under Section 302 IPC and he may be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the earlier bail application was rejected on 10.12.2020 and there is no change of circumstances and by the time the charge-sheet was also filed.
7. Considering the fact that the earlier bail application was rejected on merits, I do not find any change of circumstances to reconsider this repeat bail application and release the applicant on bail.
8. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu