

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1016 of 2021**

- Shailendra Singh, S/o Shri Jainath, Aged About 43 Years, R/o Ramkrishna Nagar Mopka, Police Station- Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: The Station House Officer, Police Station- Taarbahaar, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Harshwardhan Parganiha, Adv.
For Respondent/State	: Mr. Ishwar Jaiswal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.09.2021**

1. This is the **second bail application** under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 202/2020 registered at Police Station- Taarbahaar, District- Bilaspur, (C.G.) for commission of the offence punishable under Sections 294, 323, 324, 326, 506 r/w 34 of IPC.
2. The first anticipatory bail application was dismissed on 11.06.2021 passed in MCRCA No. 1790/2020.
3. Case of the prosecution is that, report was lodged by the complainant alleging that on 01.10.2020 at about 11:30 P.M., the applicant along with other co-accused had attempted to enter his six wheeler cargo vehicle inside his house and dashed on the gate. On hearing the noise, brother of the complainant came out and saw the co-accused standing there, when he objected, the applicant and other co-accused started abusing him and thereafter assaulted with iron rod on his head. It is further alleged that when the complainant intervened, he was also assaulted.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that co-accused have been granted regular bail on 07.07.2021 passed in MCRC Nos. 1947/2021 & 1803/2021 by coordinate bench of this court, charge-sheet has already been filed, therefore, the present applicant may be granted anticipatory bail.
5. On the other hand, counsel for the State however opposes the bail application.
6. After hearing counsel for the parties and considering the totality of the facts and circumstances of the case, especially the nature of allegations against the applicant, at this stage, I am not inclined to release him on anticipatory bail.
7. Accordingly, his bail application filed under Section 438 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**

R/-