

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7828 of 2020**

1. Dinesh S/o Late Ramesh Kumar Nirmalkar Aged About 56 Years R/o Village Navagaon (Muneda), Police Station And Tahsil Khairagarh, District Rajnandgaon (Chhattisgarh).
2. Sunil Verma S/o Panchram Verma Aged About 24 Years R/o Village Navagaon (Muneda), Police Station And Tahsil Khairagarh, District Rajnandgaon (Chhattisgarh).

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer Khairagarh District Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant.	:	Mr. Vivek Sharma, Advocate.
For Respondent/State	:	Mr. Rakesh Sahu, Dy. G.A.
For Objector	:	Ms. Priya Sharma, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.02.2021**

The applicants have filed **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 413/2019 registered at Police Station: Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 147, 148, 307 of the IPC.

The first bail application of the applicants was dismissed as withdrawn on 30.06.2020 passed in MCRC No. 327/2020 and other connected matters.

As per the prosecution case, the allegation against the present applicants is that they along with other co-accused person assaulted one Kamal Verma due to which he received severe injuries on his head. Initially, he was admitted to Govt. Hospital, Khairagarh and

thereafter he was referred to Raipur in a private Hospital and during the treatment Kamal Verma Died.

Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that Umesh Singh, who is the sole eye-witness of this case, has mentioned the name of all the accused persons and other co-accused persons have been granted bail by this Court, therefore, the present applicants are also entitled for bail like the other co-accused persons. He further contended that the applicants are in jail since 30.10.2019 and they are ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicants may be released on bail.

Per contra, learned State counsel and counsel for the objector oppose the bail application and submit that the name of the present applicants are specifically mentioned in the FIR as well as in the 164 Cr.P.C. statement of the eye-witness namely Umesh Singh which shows their involvement in the crime in question, therefore, looking to nature of the crime, he may not be granted bail.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature and gravity of the crime, at this stage, I am not inclined to release the present applicants on bail.

Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

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