

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7465 of 2021**

- Kashi Prasad, S/o Chinilal Chandra, aged about 55 years, R/o Village Katoud, Police Station & Tehsil Dabhra, District Janjgir Champa (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through the Station House Officer, PS Dabhra, District Janjgir Champa (CG)

....Non-applicant

For Applicant	:	Mrs. Madhunisha Singh, Advocate.
For Non-applicant	:	Mrs. Seema Dixit, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****20.12.2021**

1. This is second application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to applicant who is in custody since 18.5.2018 in connection with Crime No.230/2018 registered at Police Station Dabhra, District Janjgir Champa (CG) for commission of offence punishable under Sections 294, 506B, 323/34, 307, 302 of the Indian Penal Code. First bail application of applicant bearing MCRC No.5259/2018 was rejected on merits vide order dated 7.1.2019.
2. Case of prosecution is that on 17.5.2018 at about 7:30 p.m. applicant along with other co-accused persons assaulted complainant Chhiti Bhusan and his father Keshav Prasad by means of club and iron rod. In that incident, Keshav Prasad

died and complainant suffered grievous injuries. Incident was reported to concerned police station based upon which aforementioned crime is registered against applicant and two others.

3. Mrs. Madhunisha Singh, learned counsel for applicant would submit that after rejection of first bail application of applicant on 7.1.2019, prosecution examined complainant (PW-1) and other witnesses; copies of their deposition sheets were filed along with bail application filed on behalf of co-accused Smt. Guddi Chandra bearing M.Cr.C. No.4596/2021 and Co-ordinate Bench of this Court while considering deposition sheets of witnesses placed before it, allowed 4th bail application of co-accused Smt. Guddi Chandra on 2.9.2021. She submits that there are contradictions and omissions in Court statement of complainant (PW-1), hence it cannot be accepted as it is. Applicant is in jail since 18.5.2018; there are total 23 prosecution witnesses out of which 11 have been examined; case of applicant stands on similar footing with that of co-accused Smt. Guddi Chandra, who has been enlarged on regular bail, hence applicant may also be enlarged on bail.

4. Per contra, Mrs. Seema Dixit, learned Panel Lawyer for the State opposes submissions of learned counsel for applicant and submits that first bail application of applicant was rejected on merits after considering entire material available in charge sheet. She submits that complainant in his Court statement very specifically stated that it is applicant who assaulted on

head of deceased by means of club. Hence, case of applicant does not stand on similar footing with co-accused Smt. Guddi who has been enlarged on regular bail by Co-ordinate Bench.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of case, nature of allegations, Court statement of complainant, particularly Paragraph No.4, I do not find it to be a fit case to enlarge applicant on regular bail. Accordingly, this second bail application is also rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-