



NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No.1550 of 2021

1. Pradeep S/o Dinesh, Aged About 25 Years
2. Aditya Narayan S/o Vishwanath, Aged About 34 Years
3. Dinesh Kumar S/o Jagannath Prasad, Aged About 45 Years
4. Ramji S/o Jagannath Prasad, Aged About 44 Years

All R/o Village Funga, Police Station Khadgawa, District Koriya Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through - Station House Officer, Police Station - Khadgawa, District - Koriya Chhattisgarh.

---- Respondent

For Applicants
For Respondent /State

Mr. Amarnath Pandey, Advocate
Mr. Ajay Kumrani, Panel Lawyer

(Proceedings through Video Conferencing)Order on BoardByHon'ble Shri Justice Goutam Bhaduri19/1/2022

1. The applicants have preferred this **second bail application** for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.140/2020, registered at Police Station Khadgawa, District Koriya CG, for the offence punishable under Sections 294, 506, 323, 147, 148, 307 of the Indian Penal Code.



2. The first bail application of the applicants was dismissed on merits by order dated 8-7-2021 passed in MCRCA No.458 of 2021.
3. As per the prosecution case, a report was made that on 12-6-2020 between 11.00 am – 12.00 noon, the applicants and other accused came to the field of the complainant, hurled abuses and assaulted them by club, hands and fist, as a result of which, complainant Jaikaran sustained injuries on his head. Based on such report, offence has been registered.
4. Learned counsel for the applicants would submit that after rejection of the first bail application, the statement of complainant Jaikaran has been recorded and from which it can be seen that accused Deepak caused injury to the complainant. According to the learned counsel, accused Deepak was arrested and subsequently released on regular bail. Learned counsel would submit that khasra No.19 also belongs to the applicants. When the applicants tried to took over possession of the same after long legal battle the incident happened, therefore, there is change in the circumstances and the applicants may be extended the benefit of Section 438 of the Cr.P.C.
5. Learned counsel appearing for the State, *per contra*, would oppose the bail application. He would submit that earlier rejection was on the ground of the medical report of Jaikaran. He refers to page 86 of the charge sheet i.e. medical report of Jaikaran from which it is evident that he sustained linear fracture noted in right frontal bone. Therefore, there is no change in the circumstances.



6. Considering the entire facts situation of the case, particularly considering that the charges are also under Sections 147 & 148 IPC along with other Sections of IPC; considering the medical report of Jaikaran; and in the charge sheet the applicants have been shown as absconding, I am of the opinion that present is not a fit case to release the applicants on anticipatory bail, as no fresh circumstance has come to fore to reconsider the same again on merits.
7. Accordingly, the bail application is rejected.

Sd/-

(Goutam Bhaduri)
Judge

