
(2018) 08 CHH CK 0099

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5699 Of 2018

Yugansh Rathore @ Golu

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 7, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 149, 294, 302, 323, 427, 452, 506
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Shrawan Agrawal, Syed Majid Ali

Final Decision: Dismissed

Judgement

P. Sam Koshy, J

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.414/2017 registered at Police Station

Kharsia, District Raigarh (C.G.) for the offence punishable under Sections 147, 148, 149, 302, 452, 294, 506, 323 & 427 of IPC.

2. Present applicant is in jail since 26/10/2017.

3. This is the second bail application.

4. The earlier bail application stood rejected by this Court on 02/05/2018 vide MCRC No. 2583/2018.

5. The counsel for the applicant submits that, in the instant case, 9 of the other accused persons are already been enlarged on bail and the nature of

allegation against the present applicant also is almost similar and thus prayed for releasing the applicant on bail on the ground of parity. He further

contended that, the present applicant having been named in the F.I.R. alone by itself could not be a strong ground for rejecting the bail application and the entire factual matrix has to be taken into consideration and lastly it was contended that one of the eye-witness in the instant case does not support the case of the prosecution in its entirety and thus prayed for releasing the applicant on bail.

6. Taking into consideration the submissions made by the counsel for the petitioner, this Court finds that, while deciding the earlier bail application, all these precise arguments has already been considered by this Court, further the bail application was rejected barely 3 months ago. That no substantial change has taken place except for a couple of witnesses been examined in between.

7. In the facts, this Court is not inclined to grant bail to the present applicant at this juncture.

8. Accordingly, the instant MCRC stands rejected.