

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3949 of 2015**

Amit Dubey S/o Anil Dubey, Aged about 25 years, R/o Nouki  
Mod Rajpur, Police Station Rajpur, District Balrampur-  
Ramanujganj (Chhattisgarh).

---- Applicant

**Versus**

State of Chhattisgarh Through : The Station House Officer,  
Police Station Gandhi Nagar Ambikapur, District Surguja  
(Chhattisgarh).

---- Respondent

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|----------------------|---|-----------------------------|
| For Applicant        | : | Shri V. K. Pandey, Advocate |
| For Respondent/State | : | Shri Arvind Dubey, P.L.     |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**31/07/2015**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 16.09.2013 in connection with Crime No. 274 of 2013 registered at PS Gandhi Nagar, Ambikapur, District Surguja for the offence punishable under Section 302 read with Section 34 of IPC.

The first bail application of the applicant was dismissed as withdrawn vide order dated 04.09.2014 by this Court with liberty to revive the same after the complainant is examined.

Counsel for the applicant submits that subsequent to the disposal of the first bail application, 11 witnesses till now have been examined wherein three eye witnesses have also been examined before the Court below and none of the eye witnesses have supported the case of the prosecution and as such the applicant with the available evidence may not be convicted at all. He further submits that in any case, the applicant has already remained in custody for a period of about two years and therefore the applicant may be released on bail.

Per contra, counsel for the State opposes the bail application on the ground that half of the prosecution witnesses have already been examined and it would not be proper at this stage for granting bail to the applicant.

Considering the fact that all the material witnesses have already been examined and only the departmental witnesses are left to be

examined and also considering the statement of the eye witnesses who have not supported the case of the prosecution, I am of the opinion that it is a fit case where the present applicant can be released on bail.

Accordingly, the application for grant of bail is allowed. It is directed that if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**

Bhola