

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No. 1151 of 2015**

1. Shiv Prasad S/o Surjoram Aged About 37 Years R/o Village Bangachara, Ps And Tah. Durgukondul, District Kanker C.G.
2. Gulab Baghel S/o Sukhdev Baghel Aged About 30 Years R/o Village Bangachara, Ps And Tah. Durgukondul, District Kanker C.G.
3. Kamlesh @ Karan S/o Sukhdev Baghel Aged About 25 Years R/o Village Bangachara, Ps And Tah. Durgukondul, District Kanker C.G.
4. Sunaram S/o Chamruram Aged About 52 Years R/o Village Bangachara, Ps And Tah. Durgukondul, District Kanker C.G.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Durgukondul, District Kanker C.G.

-----Non-applicant

For Applicants:

Smt Renu Kochar, Advocate.

For Respondent/State:

Shri Lav Sharma, Panel Lawyer.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

18.3.2016

1. This is the 2nd bail application preferred by the Applicants under Section 439 Cr.P.C as they were arrested on 29.1.2014 and 4.2.2014 in connection with Crime No.379/2013 registered at Police Station – Durgukondul, Distt. Kanker (CG) for the offence punishable under Sections 302, 120-B and 201/34 IPC. The earlier bail application was rejected by this Court vide order dated 18.8.14 passed in M.Cr.C No.3975 of 14. Subsequently, the present Applicants have again moved the instant 2nd bail application on the basis of the evidence not being concluded at an early date as also the evidence of Man Kumari, PW-3 before whom there was an extra judicial confession.

2. Learned Counsel for the Applicants submits that the statement of Man Kumar, PW-3 was not supporting the prosecution case and also keeping in view the delay in trial, the Applicants may be released on bail as they are languishing in jail since 29.1.2014 and 4.2.2014.

3. On the other hand, State counsel however opposed the bail application.

4. Having heard learned counsel for the parties, taking into consideration the facts and circumstances of the case, particularly the evidence of Man Kumari, PW-3, I am of the opinion that it is not a case where she has not supported the prosecution. Considering the statement of Man Kumari, PW-3 and also taking note of the fact that most of the witnesses have by now been examined, I am of opinion that this is not a fit case where the present Applicants can be released on bail at this juncture. Accordingly, the instant second bail application is rejected. However, trial court is directed to ensure that the trial is concluded as expeditiously as possible.

Sd/-

(P. Sam Koshy)

JUDGE