

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1939 /2016

Dilip Singh Rajput, S/o. Pitambar Singh, Aged About 25 Years, R/o. Bajinpali, Mahrapara, Police Chowki Jutemil, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Chowki Jutemil, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.03.2016

1. This is the second bail application. The first bail application was dismissed on merit on 22.12.2015.
2. The instant second bail application is filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Istgasha No. 247/2014 registered at Police Station Chowki- Jutemil, District Raigarh (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
3. Learned counsel for the applicant submits that the seizure witness have been examined, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier bail rejection order dated 22.12.2015. The order was passed on merit. Considering the facts and taking into the submission that the evidence is going on before the Court of C.J.M.

Raigarh, it would not be proper to pick up two statement of the prosecution witness i.e. Shivkashi & Chakradhar Jangde and evaluate the entire case on merits at the stage of bail, therefore, I am not inclined to release the applicant on bail.

6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok