

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4886 of 2016**

Lalit Katale, S/o. Kejaharam Katale, Aged About 32 Years, R/o. Jaitpuri Chauki Damapur, Police Station Kunda, Tahsil Pandariya, District Kabirdham, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Police Station- Kawardha, District Kabirdham, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Varunendra Mishra, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**24.08.2016**

1. This is the second bail application 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 Crime No.49/2016 registered at Police Station- Kawardha, Distt. Kabirdham, (C.G.) for the offence punishable under Section 458, 380, 511 of Indian Penal Code. The earlier bail application was dismissed as withdrawn on 04.07.2016 in MCRC No.1694 of 2016 with liberty to repeat after examination of material witnesses.
2. As per the prosecution case, on 07.02.2016 the applicant tried to enter into the Bank by cutting open the Grill which was seen by the Guard and the applicant was caught red-handed.
3. Learned counsel for the applicant would submit that the first bail application is dismissed as withdrawn with liberty to repeat the same after examination of the material witnesses, now the material witnesses have been examined and therefore this is the second bail application. He submits that according to the statement of the

witnesses, the applicant was sitting outside the Bank and he was not inside the Bank, therefore, no offence is committed and, as such, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the witnesses, at this stage, while deciding the bail application, it would not be proper to adjudicate the authenticity of the statement, in my opinion, it is to be left open for the trial Court for adjudication in the case. Therefore, considering the facts & circumstances of this case, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge