

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3214 of 2016

Chandrashekhar @ Shekhar Banjare, S/o Puranic Banjare, Aged
About 24 Years, R/o Village Amethi, Tehsil & Thana Aarang, District
Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Tumgaon, District
Mahasamund Chhattisgarh

---- Respondent

For applicant - Shri Alok Dewangan, Advocate.
For Respondent/State – Shri Satish Gupta, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/07/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 1/12/2015 in M.Cr.C. No.6487 of 2015 wherein no liberty was reserved in favour of the applicant to repeat the bail application.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.56/2015 registered in Police Station Tumgaon, District Mahasamund,(C.G.) for offence punishable under sections 394 & 397 of Indian Penal Code.
3. Learned counsel for the applicant submits that the victim has been examined and he has not identified the applicant, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and would submit that as many as out of 12 witnesses, 8 witnesses have been examined.
5. Considering the fact that earlier no liberty was reserved while

dismissing the bail application on 1/12/2015 and as the submission is made that as many as 8 witnesses have been examined out of 12 witnesses, I am not inclined to take over power of the trial court to evaluate the evidence on merits in the application for grant of bail. Considering the stage, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE