

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 949 of 2016

Santosh S/o Shri Dayaram Aged About 28 Years R/o Village
Dhandhan P.S. & Tahsil Takhatpur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Takhatpur, Distt.
Bilaspur Chhattisgarh.

---- Respondent

For applicant - Shri Dheerendra Pandey, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/02/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 3/11/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 200/2015 registered in Police Station Takhatpur Distt. Bilaspur (C.G.) for offence punishable under Sections 147, 148, 149, 294, 307, 323, 327/34 of Indian Penal Code.
3. Learned counsel for the applicant submits that second bail application has been filed since victim has been examined and the injury has been shown to be simple in nature and therefore there is a change of circumstances. He further submits that in the counter case all the accused have been released on bail, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have perused the earlier order dated 3/11/2015. The earlier bail application was dismissed on merits. Considering the statement of the

victim and other witness at this stage while adjudicating the bail application the court cannot take over the role of the trial court while evaluating all the evidence which is placed on record. Entire evidence of the victim has to be read together which can be ascertained by the court below. Considering the same, I am not inclined to entertain this second bail application.

6. Accordingly, the second bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE