

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 754 of 2016

- Kalu Bagh @ Suresh Bagh S/o Late Ajit Bagh Aged About 30 Years R/o Samta Colony, Near Meera Datar, Raipur, P.S. Azad Chowk, Raipur, Distt. Raipur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh through P.S. Azad Chowk, Raipur, District Raipur, Chhattisgarh.

--- **Respondent**

For the applicant	:	Mr. A. D. Kuldeep, Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.02.2016

1. This is second bail application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No.256 of 2015 registered at Police Station Azad chowk, Raipur, Distt. Raipur (C.G) for the offences punishable under section 34(2) of the Excise Act. The first bail application was dismissed on 16.12.2015 on the ground within a short proximity, the offence was committed as against him, Crime No.73/2015 was registered and after he was bailed out, again offence is repeated.
2. Learned counsel for the applicant submits that according to the instructions, the trial was not commenced and the applicant is in jail since 10.11.2015, therefore, taking into pendency of trial and looking to the detention period of the applicant, he prays for releasing the applicant on bail.

3. Per contra learned State Counsel opposes the bail.
4. In the considered opinion of this court, no change of circumstances appears to have been existing. The time that has elapsed do not appear that enormous delay has taken place so to reconsider this bail application again. Therefore, I am not inclined to release the applicant on regular bail. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao