

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2133 of 2016

1. Manish Dubey S/o. Shailendra Dubey, Aged about 34 years, R/o. In front of State Bank, Nayapara, Chakarbhata, Thana Chakarbhata, District Bilaspur (C.G.)

2. Pradeep Garhewal S/o. Ghanshyam Garhewal, Aged about 26 years, R/o. Rajiv Gandhi Chowk, Badhai Chahal, Thana Civil Lines, District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through Police Station Civil Lines, District Bilaspur (C.G.)

---- Respondent

For Applicants :- Mr. Achyut Tiwari, Advocate

For Respondent/ State :- Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/04/2016

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 559/2015 registered at Police Station- Civil Lines, District Bilaspur (C.G.) for the offence punishable under Sections 294,506,307, 34 of Indian Penal Code.
2. The first bail application of the applicants was rejected on merit on 04.01.2016 in M. Cr.C. No 7322 of 2015. Subsequently, another bail application was filed which was dismissed on default on 22.03.2016 in M.Cr.C. No. 1903 of 2016.

3. Counsel for the applicants submits that the case is fixed for trial before the Trial Court on 01.02.2016 to 03.02.2016, thereafter, no witnesses have turned up and subsequently, on 23.02.2016 to 25.02.2016 the case was again fixed for trial, however, no witnesses have turned up. For the third time on 02.04.2016 to 05.04.2016 the case was fixed, however, again no witnesses have turned up. He further submits that the applications were filed on behalf of the victim Raja Relwani, Rahul Relwani and Ghanshyam Potani, the witnesses that on two occasions could not come as were out of station. He further submits that the victims themselves have criminal records and deliberately are avoiding for evidence, therefore, the applicants may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier rejection order dated 04.01.2016. The same was dismissed on merit. The victim and the witnesses have not yet examined, therefore, no change of circumstances it appears to have exists. In the intervening dates it has been stated that the applications were filed for adjournment of the dates for evidence by witnesses. Considering the time passed it can not be stated that the exorbitant time has lapsed in trial. Therefore, this Court is not inclined to release the applicants on bail as no change of circumstances has taken place.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge