

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4651 of 2016

Santosh, S/o. 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 : Mr. Dheerendra Pandey, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.08.2016

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.200/2015 registered at Police Station- Takhatpur, Distt. Bilaspur (C.G.) for the offence punishable under Section 147, 148, 149, 294, 307, 323, 327/34 of Indian Penal Code.
2. The first bail application of the applicant was dismissed on 03.11.2015 in MCRC No.5272 of 2015 and the second bail application was dismissed on 05.02.2016 in MCRC No.949 of 2016.
3. Learned counsel for the applicant would submit that the counter case was also registered against the complainant wherein the complainant Shiva Kumar Sonwani & Rajesh Sonwani remained absent and, as such, the case was adjourned before the Court of Additional Sessions Judge, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. I am unable to understand the argument advanced by the learned counsel for the applicant as no order has been placed before this Court to show that both the cases were tried together instead reading the statement of Sant Kumar who is injured in this case reveals that categorical positive averments have been made against the present applicant as such no change of circumstances or case is made out for reconsideration of bail, therefore, 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