

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 361 of 2016**

Suddodhan @ Gudda Nirmale S/o Firan Lal Dhobi Aged About 42 Years R/o Village Bhurkunda, P.S. Masturi, District Bilaspur, At Present R/o Near Chand Society, Mudpar, Out Post Manikpur, Police Station Kotwali Korba, Civil And Rev. Distt. Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Out Post Rajgamar, P.S. Balkonagar, District Korba Chhattisgarh.

---- Respondent

For Applicant:
For State:

Mr. Vikash Pandey, Advocate
Mr. Ashok Swarnkar, P.L.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

15.01.2016

1. This is third bail application filed under Section 439 of Cr.P.C. for grant of bail to the Applicant who is in jail since 06.01.2014 in connection with Crime No. 02/2014 registered at Out Post Rajgamar, Police Station Balkonagar, District Korba (C.G.) for the offence punishable under Sections 302, 201, 120(B) and 34 of I.P.C.
2. The first bail application was dismissed as withdrawn on 02.07.2014 with a liberty to revive the same after the material evidence are recorded. Thereafter, Second Bail application was rejected on merit on 19.11.2014, wherein the Court declined grant of bail on the ground that since most of the witnesses have been examined and only

a few departmental witnesses remain to be examined, it would not be proper to release the Applicant on bail at this juncture.

3. Learned Counsel for the Applicant submits that except for remaining 2-3 prosecution witnesses all the other witnesses have been examined and that even if the Prosecution case is accepted the only offence made against the present Applicant would be one under Section 201 of I.P.C. therefore considering the nature of offence against the present Applicant, he may be released on bail.

4. Learned State Counsel however opposing the bail application submits that this Court has already rejected the bail application on merit on 19.11.2014 and that there is not much change in circumstances since then calling for the release of the Applicant on bail.

5. Considering the total facts and circumstance of the case, particularly in the light of the order dated 19.11.2014 rejecting the second bail application of the present Applicant, this Court is of the opinion that the present is not a fit case to release the Applicant on bail at this juncture.

6. However, it is expected that the Trial Court would ensure taking all possible steps in calling the prosecution witnesses so that the trial can be concluded at the earliest.

7. With the aforesaid observation the present Application is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE