

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6011 of 2016

1. Dilip Banjare, S/o. Krishna Banjare, aged about 26 years, R/o. Mini Basti, Jarhabhatha, Police Station – Civil Lines, Tahsil and District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through: Station House Officer, Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. D.C. Verma, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

07/11/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.151/2016, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 307, 294, 323/34 of Indian Penal Code. The first bail application was dismissed on merits vide order dated 27.06.2016 in M.Cr.C. No.2421/2016.
2. As per prosecution case, on 01.03.2016, the applicant along with other co-accused persons on a dispute with complainant, Vishal Masih have assaulted him with some sharp edged weapon whereby the complainant sustained 4 injuries i.e., once incised wound and 3 lacerated wounds, thereby the offence is committed.

3. Learned counsel for the applicant submits that the first bail application of the applicant was dismissed taking into the past criminal antecedents of the applicant and all the criminal antecedents are simple cases of Indian Penal Code and he is in jail since 17.03.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the earlier order. While dismissing the first bail application of the applicant mainly the past criminal antecedents of the applicant were considered. Till date the complainant has not yet been examined. Taking into such facts no change of circumstances appears to exist to reconsider the bail application again. Taking into such fact I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge