

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6277 of 2016

- Dhansai Jatwar S/O Babulal Jatwar Aged About 28 Years R/O Village Anda, Police Station Maalkharauda, District Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Maalkharauda, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.C. Ottalwar and Mr. Akhtar
Hussain, Advocates

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-10-2016

1. This is a second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 28-7-2016 in connection with Crime No. 182 of 2015, registered at Police Station Maalkharauda, District Janjgir Champa (CG) for the offence punishable under Section 307/34 of the IPC. Earlier first bail application was dismissed on merit on 19-1-2016.
2. Case of the prosecution, in brief, is that one Murit Jatwar has lodged a report that he has recorded presence of Dhansai for half day which was objected by Mohit Ram Jatwar and subsequently while Murit Jatwar was taking rest in the night, at that time, Dhan Sai and other co-accused Mohit Ram Jatwar came and attacked complainant. It is alleged that accused Dhansai was holding lathi and Mohit Ram Jatwar was holding road in their hands.

3. Learned counsel appearing for the applicant would submit that Mohit Ram was examined in this case he deposed that the present applicant assaulted the victim by way club. Out of total 18 witnesses only seven witnesses have been examined so far and the applicant is in jail for the last 15 months, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of Mohit Ram.
7. It would not be appropriate for this Court to give a finding while consideration of bail at this stage any finding may cause prejudice to the rights of defence or prosecution as this Court while deciding the bail application is not sitting as court of trial. It is for the trial Court to decide the facts after evaluating the entire evidence placed before it.
8. Taking into consideration all the facts and circumstances of the case and after rejection of the first bail application, I do not find any change of circumstances for reconsideration of the repeat bail application.
9. Accordingly, the second bail application is also liable to be and is hereby dismissed. However, the trial Court is requested to expedite the trial early.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

