

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6930 of 2016

- Awtar Gore S/o Sonu Bhagat, Aged About 32 Years R/o Village Faguram, Police Station Dabhara, District Janjgir Champa, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through District Magistrate, District Janjgir Champa, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Basant Dewangan, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 19 of 2016 registered at P.S. Dabhara, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 307 & 506 Part II of IPC.
2. As per the prosecution case, on 19.01.2016 a report was made by one Sonu Bhagat who is father of the present applicant that his son tried to burn him alive over a trivial dispute, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the father has been examined before the Court and he has not supported the case of prosecution and other material witnesses namely Vimla Bai, the mother and Ajay Pal Gore have also not supported the case of prosecution. He further submits that the applicant is in jail since 20.01.2016, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail and would

submit that still the I.O., is to be examined.

5. Perused the statements of prosecution witnesses. Looking to the background of this case, at this is stage, it is not proper for this Court to evaluate the evidence of few of the witnesses while deciding the bail as it would prejudice the rights of the parties either the prosecution or the defence. It is for the trial court to evaluate the entire evidence when all the evidence is adduced on record. Considering the fact that few of the witnesses have been examined, I am not inclined to go into the merits of the case. Accordingly, this bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**