

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7345 of 2016

Sanju Rajput, S/o. Anand Rajput @ Anand Vishwas, Aged About 30 Years,
R/o. Kalupur, Police Station Banag, District North Chaubis Pur (N), At
Present residing at Ward No. 07, Ravanbhatha, Gariyaband, Police
Station Gariyaband, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station
Gariyaband, District: Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K.Shastri, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.11.2016

1. This is the 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 in connection with Crime No.146/2015 registered at Police Station- Gariyaband, District Gariyaband (C.G.) for the offence punishable under Section 307, 302, 498-A of Indian Penal Code. The earlier bail application was dismissed on 12.01.2016 on merit in MCRC No.7505 of 2015.
2. As per the prosecution case, the applicant who had married Smt. Padma Bai, on a dispute poured kerosene oil on her body and set her ablaze and thereafter she died of burn injuries.
3. Learned counsel for the applicant would submit that all the witnesses have been examined and they are not reliable, therefore, in these circumstances, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Few of the deposition of two witnesses have been placed on record. Perused the earlier bail rejection order dated 12.01.2016. The earlier bail application was dismissed predominantly considering the dying declaration, therefore, it will be within the domain of the Trial Court to adjudicate and evaluate the evidence. Taking into such facts, I do not find any change of circumstances as any finding would amount to adjudicate the trial itself.
6. In view of this, the bail application is dismissed at the admission stage itself.

Ashok

Sd/-
(Goutam Bhaduri)
Judge