

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8031 of 2016

1. Sanat Kurre, S/o. Khuman Das Kurre, aged about 28 years, R/o. Village- Dhaur, P.S. - Utai, District – Durg, Civil and Revenue District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Utai, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/12/2016

1. This is the first 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.16/2014, registered at Police Station – Utai, District – Durg (C.G.) for the offence punishable under Section 148, 149, 302, 353 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.01.2014, the applicant along with other co-accused have assaulted one Paras Ram and committed his murder. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that eye-witnesses in this case have been examined and they have not supported the case of the prosecution. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that as per the statement of 8 witnesses recorded under Section 164 of Cr.P.C., the name of the present applicant is present and 12 witnesses have already been examined, therefore, the applicant may not be released on bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and documents, as appears 12 witnesses have already been examined. Evaluating their statement on merits will amount to usurping the power of the trial Court, therefore, I am not inclined to exercise his power while deciding the bail petition. The trial appears to be at the fag-end, as such I am not inclined to entertain the bail petition.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge