

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8062 of 2016

1. Kareem Khan, age about 45 years, S/o. Shri Waseem Khan, R/o. Durga Nagar, Beergaon, P.S. - Urla, District – (Revenue & Civil) – Raipur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Yogesh Pandey, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/12/2016

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.295/2015, registered at Police Station – Khamtarie, District – Raipur (C.G.) for the offence punishable under Section 302/34 of Indian Penal Code.
2. The first bail application was dismissed as withdrawn vide order dated 25.01.2016 in M.Cr.C. No.134/2016 and no liberty was given and simplicitor withdrawal was made.
3. Learned counsel for the applicant would submit that some witnesses have been examined before the trial Court and they have been turned hostile, therefore, the bail application may be considered.
4. The earlier bail petition was dismissed as withdrawn without any

liberty to repeat the same. Only because of the fact that some witnesses have been examined and they have turned hostile, the Court while deciding the bail application will not hold the trial in the garb of deciding the bail.

5. Considering the fact that earlier no liberty was given and it is for the trial Court to adjudicate the evidence after examination of all the witnesses. Taking into such fact I am not inclined to reconsider the bail application again.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge