

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 227 of 2017

Santosh Kumar Dhruw, aged about 42 years, S/o. Prem Singh Dhruw,
R/o. Village-Banpachri, Police Station – Patewa, District – Mahasamund
(C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : the Station House Officer, Police Station
– Patewa, District – Mahasamund (C.G.).

---- Respondent

For Applicant : Mr. Pawan Kesharwani, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.01.2017

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.132/2016 registered at Police Station- Patewa, District – Mahasamund (C.G.) for the offence punishable under Section 294, 323, 506, 34, 186, 332, 353 of Indian Penal Code. The first bail application was dismissed on 19.09.2016 in M.Cr.C. No.5545/2016.
2. As per the prosecution case, a report was made by one Anant Kumar Yadav on 03.08.2016 that applicant, who is Panch along with villagers went to the Secretary of Panchayat of village Banpanchri and demanded the remaining amount which was given by them for construction of toilet as the first installment of Rs.6000/- was given for construction of toilet, therefore, the alteration started in between the parties and the report was made.

3. Learned counsel for the applicant would submit that as many as 3 witnesses have been examined before the Court below and they have not stated anything against the applicant, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact that earlier bail application was dismissed on merit and it is not proper for this Court to pickup the statement of few of the witnesses to evaluate the entire case on merits and give a finding by usurping the power of trial. Taking into such fact, I do not find any change of circumstances to reconsider the bail application again at this stage.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed. However, the trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge