

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 217 of 2017

Pramod @ Bhawani Patel, S/o. Late Khemraj Patel, aged about 25 years,
R/o. Village-Amaldiha, P.S. - Chandrapur, District – Janjgir-Champa
(C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station –
Chhal, District – Raigarh (C.G.).

---- Respondent

For Applicant : Mr. Vivek Tripathi, 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.78/2015 registered at Police Station- Chhal, District – Raigarh (C.G.) for the offence punishable under Section 450/34, 302/34, 307/34, 120-B of Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 15.09.2016 in M.Cr.C.5177/2016.
2. Learned counsel for the applicant would submit that as many as 12 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.
3. Per contra, learned State counsel opposes the prayer for grant of bail.

4. On being query made, it is stated that out of 42 witnesses, 12 witnesses have been examined.
5. Considering the fact that earlier bail application was dismissed as withdrawn simplicitor and it is not proper for this Court to evaluate the statement of the witnesses and hold a trial by usurping the power of trial and adjudicate the case. Since the earlier bail application was withdrawn without any liberty, I do not find any change of circumstances to reconsider the bail application again as 30 witnesses are still to be examined.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge