

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 539 of 2017

- Wasim Khan S/o Abdul Sattar Khan Aged About 29 Years R/o Village- Zone- 3, Road No.- 9, Beside Of Quarter No. 3/ A Khursipar, Bhilai, Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through S.H.O, Police Station- Mandir Hasoud, Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Vikram Singh, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-02-2017

1. This is a 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 on 23-9-2016 in connection with Crime No. 64 of 2015, registered at Police Station Mandir Hasoud, Raipur (CG) for the offence punishable under Sections 409, 420, 467, 468, 471 & 120-B of the IPC. Earlier first bail application was dismissed on merits on 9-11-2016
2. As per prosecution case, the applicant along with other co-accused persons used to take out furnace oil from Tanker belonging to HPCL and after unlocking the said Tanker, mixed some black oil and water and tried to sell out the same and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that two witnesses namely Dayashankar Gupta and Chandra Bhan Yadav have been examined and they have not stated anything against the present applicant on the ground of which earlier bail application was dismissed. He

would further submit that charge-sheet has been filed and the applicant is in jail since 23-9-2016, therefore he may be released on bail.

4. On the other hand, State counsel opposes the bail application.
5. Perused the earlier bail rejection order which was dismissed on 9-11-2016. Primary evidence against the applicant is that he was absconding while other co-accused persons were in jail.
6. Taking into consideration facts and circumstances of the case and further considering the fact that the applicant was absconding while other co-accused persons were in jail, I do not find any change of circumstances to reconsider the bail application
7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju