

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 411 of 2017

Yogesh @ Bittu Vaishnav, S/o. Anant Kumar (wrongly mentioned as Anand Das), Aged About 26 Years, R/o. Near Radha Krishna Mandir, Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.R.Soni, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01/02/2017

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.214/2016 registered at Police Station- Lormi, District Mungeli (C.G.) for the offence punishable under Sections 364(A), 365, 368, 385, 388, 294, 506, 323 read-with Section 34 of Indian Penal Code. The first bail application was dismissed on merit on 17.10.2016 in MCRC No.6275 of 2016.
2. As per the prosecution case, a complaint was filed by one Mohd. Ajhar that on 27.05.2016, he alongwith Deepak Agrawal went to Lormi in their vehicle No.C.G. 04 HD 2443. Thereafter, in the meanwhile they collected Rs.60,000/- at Takhetpur. Subsequently, applicant alongwith others joined at Lormi while they were going in vehicle, they were assaulted and Mohd. Ajhar was taken to village

Mohbanda and was further assaulted and looted Rs.31,000/- from Deepak Agrawal.

3. Learned counsel for the applicant would submit that the witness Mithlesh Kumar Dhurwe, Omkar Singh Marko and Mohd. Ajhar have been examined and they have not supported the case of the prosecution and have not stated anything against the present applicant, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perusal of the order dated 17.10.2016 would show that the earlier bail application was dismissed on merits. Perused the statement of Mohd. Ajhar. In the examination in chief, positive statement has been made. Taking into such fact, it is not proper for this Court to evaluate the statement by comparing it by the other statement of the witnesses, it is for the Trial Court to adjudicate. Consequently, I am not inclined to entertain this second bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge