

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1326 of 2017

1. Smt. Lalita, W/o. Shri Krishna Lal Shende, Aged About 55 Years,
 2. Anju Shende, D/o. Shri Krishna Lal Shende, Aged About 32 Years,
- Both are R/o. Ayappa Nagar, Ward No. 8, Supela , Bhilai Tahsil Durg, Civil & Revenue District- Durg, Chhattisgarh.

----Applicants

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Chowki - Smriti Nagar, Police Station- Supela , Bhilai, Civil & Revenue, District- Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Parasmani Shrivastava, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/02/2017

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 applicants who have been arrested in connection with Crime No.1115/2016, registered at Police Station – Supela, Bhilai, Police Chowki -Smriti Nagar, District – Durg (C.G.) for the offence punishable under Section 304 (B), 34 of Indian Penal Code.
2. The first bail application was dismissed as withdrawn vide order dated 09.01.2017 in M.Cr.C. No.8578/2016 with liberty to file afresh before the trial Court after charge-sheet is filed.
3. Learned counsel for the applicant would submit that charge-sheet has been filed before the Court below, therefore, the applicant may be enlarged on bail.

4. Considering the fact that liberty was given to repeat the bail before the trial Court after filing of the charge-sheet and the instant bail application has been filed before this Court directly. Therefore, in view of the order dated 09.01.2017, the instant bail application filed under Section 439 of Cr.P.C. can not be entertained.
5. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed. However, the applicants would be at liberty to repeat the bail application before the concerned trial Court.

Sd/-
(Goutam Bhaduri)
Judge

Balram