

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2032 of 2017

1. Bhola Soni, S/o. Parasram Soni, aged 21 years,
 2. Bala @ Sanjay Kewat, S/o. Pardesi Lala, aged 25 years,
- Both R/o. Village-Lakhasar, P.S. - Hirri, District- Bilaspur (C.G.)

----Applicants

Versus

State of Chhattisgarh, Through: Station House Officer, Hirri, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ajay Ayachi, Advocate
For Respondent/State	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/04/2017

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 applicant who has been arrested in connection with Crime No.85/2016, registered at Police Station – Hirri, District – Bilaspur (C.G.) for the offence punishable under Section 302, 323/34 of Indian Penal Code. The first bail application was dismissed on merits vide order dated 07.02.2017 in M.Cr.C. No.8381/2016.
2. Case of the prosecution, in brief, is that on 19.06.2016 deceased Kamal Suryavanshi along-with Ravi Kumar Sarthi and Hemraj Suryavanshi had gone to Lakhasar Khar where the liquor was being sold. After consuming certain quantity of liquor, they wanted to

purchase more liquor where upon a dispute took place with liquor seller Mantri Yadav for increasing the cost of liquor and in the said dispute applicants Bholu Soni and Bala @ Sanjay Kenwat assaulted the deceased and others.

3. Learned counsel for the applicants would submit that all the eye-witnesses have been examined and they have not supported the case of the prosecution and have turned hostile, therefore, the applicants have not committed any offence. Therefore, it is prayed, that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that out of 17 witnesses, 10 witnesses have already been examined.
5. I have heard the learned counsel for the parties.
6. Perused the earlier rejection order. Earlier the bail was dismissed on merits on the ground that this Court can not usurp the power of trial and the same conditions exists today also. Taking into such fact, I am not inclined to reconsider the bail application again and release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge