

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2912 of 2017

Lochan Nishad S/o Dhashrath Nishad, Aged About 29 Years R/o Village Kumhibahal, Police Station Chakradharnagar, Raigarh, Civil And Revenue District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chakradhar Nagar, District- Raigarh, Chhattisgarh.

---- Respondent

For applicant - Shri Vineet Kumar Pandey, Advocate.
For Respondent/State –Shri Ramakant Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/04/2017

1. This is third bail application under Section 439 of Cr.P.C.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.10/2016 registered in Police Station Chakdradhar Nagar, Disrtrict Raigarh (C.G.) for offence punishable under section 302, 201/34 of IPC and Section 135 of Electricity Act.
3. Learned counsel for the applicant submits that all the material witnesses have been examined and they have turned hostile, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perusal of the case file would show that the first bail application was dismissed as withdrawn on 30/06/2016 vide M.Cr.C. No.3141/2016 and second bail application was dismissed as withdrawn on 31/01/2017 vide M.Cr.C. No.251 of 2017 and dismissal was simplicitor as it was withdrawn. Again bail application has been filed on the ground that all the material witnesses have been examined and they have turned hostile. As it is stated that most of the witnesses have been examined, it is for the

trial court to adjudicate the same. This court while hearing bail cannot adjudicate the case on merits. Therefore, this court is not inclined to entertain this third bail application.

6. Accordingly, the third bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE