

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3086 of 2017

Shailendar Kumar Banjare @ Shailendra, S/o. Rajkumar, Aged About 23 Years, R/o. Village Jalbandha, Police Station Khairagarh, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Supela, in the Revenue & Civil District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Janak Ram Verma, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.05.2017

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. 760/2016 registered at Police Station- Supela, District Durg (C.G.) for the offence punishable under Section 171, 420, 468, 471, 34 of Indian Penal Code. The first bail application was dismissed on merit on 08.11.2016 in MCRC No. 6932 of 2016.
2. Case of the prosecution, in brief, is that one Gulab Singh was discharging his duty on 15.08.2016 at that time two persons came to him in the police uniform and told their name as Tikam Sinha and Dhanraj Bhande and stated that they have come to join the duty. On being asked, it was told that they were sent by Shailendra Banjare. Thereafter, Shailendra Banjare also came in police uniform with a batch of Chhattisgarh Jail and on being

asked they could not satisfy the said constable, applicant and the other co-accused were arrested.

3. Learned counsel for the applicant would submit that after dismissal of the first bail application on 08.11.2016, few of the witnesses have been examined and they have not supported the case of the prosecution; therefore, applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier bail rejection order dated 08.12.2016 and the statements. Considering the statement of the witnesses, at this stage, it would not be proper for this Court to evaluate the entire case by picking up few lines of the statement of only 3 witnesses when there are 25 witnesses are enlisted. In view of this, I do not find any change of circumstances to reconsider the instant second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge