

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3208 of 2017

- Vishnu Agrawal S/o Late Shri Suresh Chandra Agrawal Aged About 35 Years Occupation Business, R/o Manendragarh Road, Surajpur, Police Station Surajpur, District- Surajpur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer Police Station Surajpur, District- Surajpur, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. B.D. Guru, Advocate
For the State	:	Mr.Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.06.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.352 of 2016 registered at P.S. Surajpur, Distt. Surajpur (C.G) for the offence punishable under Sections 302 and 120-B read with Section 34 of IPC.
2. The first bail application was dismissed on 24.01.2017 after hearing on merits.
3. As per the prosecution case, one Umesh Pillai was killed by gun shot on 22.08.2016. It is alleged that the present applicant along-with other accused hatched conspiracy to kill Umesh Pillai as he used to blackmail Hansraj and the present applicant on the basis of a video clipping wherein they were seen with a girl in compromising position. Consequently the applicant and other accused decided to eliminate Umesh Pillai and they killed him.
4. Learned counsel for the applicant would submit that on the

basis of evidence which was available, the earlier bail petition was dismissed. He submits that Munif Singh has been examined and he has not supported the case of prosecution, therefore, the evidence which was available against the applicant is completely disowned and since most of the witnesses have not supported the case of prosecution, the applicant may be enlarged on bail.

5. On the other hand, learned State Counsel opposes the prayer.
6. A perusal of the documents would show that as many as 21 witnesses have been examined, therefore, it would not be proper for this Court to evaluate the statements of all the witnesses so as to give a finding while deciding the case of bail which would be prejudicial either to the interest of the prosecution or the accused. Therefore, considering the background of the case, I am not inclined to allow the bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**