

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3301 of 2017

Lakhi Das, S/o. Chandramani Das, aged about 25 years, R/o. Village-Boden (Bazarpara), Police Station & Post Office- Boden (Bazarpara), District – Nuapada (Orissa)

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station-Amlipadar, District – Gariyaband (C.G.)

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/05/2017

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.12/2014, registered at Police Station – Amlipadar, District – Gariyaband (C.G.) for the offence punishable under Section 458, 397/34 & 412 of Indian Penal Code and Section 25/27 of Arms Act. The first bail application was dismissed on merits vide order dated 01.12.2016 in M.Cr.C. No.7475/2016.
2. As per prosecution case, on 30.04.2014, the complainant Pawan Awasthi while was in his room, at that time, the applicant along with other co-accused entered into the house of the complainant and thereafter assaulted him on the point of knife and looted the gold ornaments and cash, total worth Rs.2,09,000/- approximately. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that out of 21 witnesses, 14 witnesses have been examined and they have not supported the case of the prosecution. Therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the earlier dismissal order dated 01.12.2016, which appears to be dismissed on merits. Considering the fact that out of 21 witnesses, 14 witnesses have already been examined and the trial is at the fag end I do not find any change of circumstances to reconsider the bail application again.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge