

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3364 of 2017

1. Kudar Ram S/o Monbodh Rajwar, Aged About 55 Years,
2. Dharam Ram Rajwade S/o Kudar Ram Rajwade Aged About 24 Years,
3. Chanda Bai W/o Rajesh Rajwade Aged About 27 Years,

All of the applicants are R/o Village- Sirkotanga, Police Station Lakhanpur, District- Surguja, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Lakhanpur, District- Surguja, Chhattisgarh.

---- Respondent

For applicants - Shri Arvind Sinha, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/08/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 22/11/2016 vide M.Cr.C. No.7279/2016 with liberty to repeat the same after examination of the eye witness.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.215/2015 registered in Police Station Lakhanpur, District-Surguja (C.G.) for offence punishable under sections 302, 34 of IPC.
3. As per the prosecution case, on 25/12/2015 the applicants alongwith other co-accused have assaulted deceased Naresh whereby he succumbed to the injuries.
4. Learned counsel for the applicants submits that eye witness Surjit (PW-9) has been examined and he has not stated who has caused assault to the deceased, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of eye witness Surjit (PW-9). It is for the trial court to adjudicate the role played by the applicants and only omnibus allegations have been made which is to be evaluated by the trial court and no opinion can be given at the time of hearing of bail. Consequently, taking into such statement of PW-9, without any observation on the merits, this court is not inclined to entertain this second bail application.
7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE