

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 4389 of 2017

1. Ku. Phulo Yadav D/o Late Sumaru Ram Yadav, Aged About 33 Years R/o Village Massukokad, Police Station Pharsgaon, District Kondagaon, Chhattisgarh.
2. Smt. Pavan Bai Yadav W/o Halal Ram Yadav, Aged About 35 Years Caste Raut, R/o Village Koliyari, Police Station Korar, District Kanker, Chhattisgarh. --- **Appellants**

Versus

- State of Chhattisgarh through Police Station Pharsgaon, District Kondagaon, Chhattisgarh. --- **Respondent**

12.07.2017	Mrs. Renu Kochar, counsel for the applicants. State by Mr. Sangharsh Pandey, Panel Lawyer. This is second bail application filed under section 439 of the Code of Criminal Procedure for grant of bail to the applicants in connection with Crime No. 84 of 2016 registered at P.S. Pharasgaon, Distt. Kondagaon (C.G), Bilaspur for the offence punishable u/ss 302, 450, 120-B/34 of IPC. The first bail application was dismissed on 03.03.2017. As per the prosecution case, on 29.09.2016 one Krishna Yadav who was relative of the present applicants was murdered. It is alleged that both the applicants had conspired to kill the deceased as there has been some dispute between the deceased and the applicants. Learned counsel for the applicants submits that few of the witnesses have been examined and they have not supported the case of prosecution, therefore, the applicant

R a o	may be enlarged on bail. Perused the earlier bail rejection order dated 03.03.2017. It appears that within a short span of time the second bail petition has been repeated. Under the circumstances, it will not be proper for this Court to evaluate the entire statements of witnesses which have been placed before this Court for consideration of bail as it would amount to usurping the power of trial Court. Accordingly, this bail application is rejected. Sd/- GOUTAM BHADURI Judge
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