

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6053 of 2017**

- Dhamendra @ Golu S/o Hridey Lal Soni, Aged About 35 Years R/o Naya Talab, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Shri R.K. Dubey, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/12/2017**

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 on 17.08.2016 in connection with Crime No. 482/2016 registered at Police Station Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 392, 411/34 of the I.P.C.
2. The First Bail Application bearing M.Cr.C. No.7321/2016 was dismissed on 23.11.2016.
3. Learned Counsel for the applicant would submit that the complainant Usha Dubey has been examined as PW-2 in this case and she has not supported the case of the prosecution, therefore, no case is made out against the applicant and he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of Usha Dubey (PW-2) wherein she has categorically made a statement that she has identified the applicant in jail, therefore, question of identity can only be decided by the Court below, which is holding the trial. This Court at the time of hearing the bail application cannot appreciate the evidence of complainant and give a finding as it may prejudice the trial. In view of this, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed. However, the trial Court is directed to conclude the trial within a period of two months.

Sd/-

Goutam Bhaduri

Judge

Ashu