

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6045 of 2017

Anjor Das Markandey, S/o. Kartik Ram, Aged About 48 Years, R/o. Village Kirwai, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pradeep Singh Rathore, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.09.2017

1. This is the fourth bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.139/2016 registered at Police Station- Rajim, District Gariyaband (C.G.) for the offence punishable under Sections 294, 506(B), 323, 326 & 307 r/w. Sec. 34 of Indian Penal Code. The first bail application was dismissed on 20.09.2016, second bail application was dismissed on 13.12.2016 and third bail application was dismissed on 10.07.2017.
2. As per the prosecution case, a report was lodged by complainant Nandu that on 21.06.2016 when he went to work in the field of Tikamchand Rathi alongwith Deva, at that time, the applicant, his daughter and son came there, abused and assaulted him and threatened to kill him and thereafter the complainant was put to burnings on his head and back.

3. Learned counsel for the applicant would submit that when the third bail application was dismissed, it was observed that the victim Nandu has not been examined and now he has been examined and there is contradiction in his statement, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim. Considering the same, it would not be proper for this Court to evaluate the statement on merits, as it will amount to usurp the power of the trial Court while hearing the bail application. It is for the trial Court to adjudicate the same. Therefore, I do not find any change of circumstances to reconsider the instant fourth bail application.
6. Accordingly, the fourth bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge