

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6057 of 2017

- Laxmi Narayan S/o Tularam Satnami, Aged About 21 Years, R/o Village Chitawar, Chowki Lawan, Police Station Kasdol, District Balodabazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kasdol, District Balodabazar-Bhatapara Chhattisgarh

-- Non-applicant

For Applicant – Shri C.R.Sahu, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is repeat bail application. First bail application of the applicant was dismissed on merits in MCRC No.843/2017 on 27-03-2017. The applicant was arrested on 05-01-2017 in connection with Crime No.07/2017 registered at P.S. Kasdol, District Balodabazar-Bhatapara, C.G. for the offence under Section 498-A, 306 of the IPC.
2. It is submitted on behalf of the applicant by learned counsel for the applicant that some of the witnesses of the prosecution have been examined and they have turned hostile. Particularly the facts of dying declaration is not proved. Hence, this is change of circumstances and on this ground, the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that the above witnesses examined have supported the case of prosecution. Hence, the applicant is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary and the documents produced on record.

5. I am of this view that there is no change of circumstances occurred since passing of previous order by the coordinate Bench of this Court. Hence, for this reason alone, this application cannot be entertained. Accordingly, the application (MCRC No.6057/2017) is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge