

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6464 of 2017**

- Akash Pratap Singh S/o Late Shri Bhanu Pratap Singh Aged About 23 Years R/o Malviya Nagar, Pondi, Post Office And Police Station- Pondi, Tahsil Baikunthpur, District Korea, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station Pondi, District Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sudeep Agrawal, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/10/2017**

1. This is the third bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 20-8-2016 in connection with Crime No. 120 of 2016 registered at Police Station Pondi, District Koriya (CG), for the offence punishable under Sections 294, 506, 307/34 of the IPC.
2. Earlier first bail application bearing M.Cr.C. No.5969 of 2016 was dismissed on merits on 4-10-2016. The Second bail application bearing M.Cr.C. No.1600 of 2017 was dismissed on 22.03.2017.
3. Learned counsel for the applicant would submit that the injured Chandan Jaiswal (PW-4) has not supported the case of the prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the background of this case that earlier the bail applications were dismissed as also the facts & circumstances of this case, the past antecedents and background of the applicant as number of cases are to the credit of the applicant in different sections. At this stage, it would not be proper for this Court to evaluate the statement of the injured taking into the fact that he has turned hostile, it is for the trial Court to adjudicate the same as it would amount to usurping the power of trial Court, therefore, I do not find any change of circumstances to reconsider the same. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu