

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 963 of 2018

1. Permendra Kumar Gandle S/o Late Lakhanlal Gandle, Aged About 38 Years,

2. Khel Kumar Gandle, S/o Late Lakhanlal Gandle Aged About 42 Year.

Both are R/o Village Otgan, P.S.-Bilha District Bilaspur Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Bilha, District Bilaspur Chhattisgarh

---- Respondent

For applicants - Shri Vinod Deshmukh, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/02/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 11/12/2017 vide M.Cr.C. No.7097 of 2017.

2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.213/2017 registered in Police Station Bilha, District Bilaspur (C.G.) for offence punishable under sections 302, 201 and 34 of IPC.

3. As per the prosecution case, on 14/06/2017 one Manisha Gendle was murdered by the present applicants as she was set ablaze. Thereby the offence is made out.

4. Learned counsel for the applicants submits that children who have deposed against the applicants have been examined, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the nature of allegation, at this stage it would not be

proper for this court to evaluate the evidence of the witness by picking two of the statement of the witness which would amount to usurping power of the trial court while hearing bail application. Therefore, I am not inclined to exercise and venture in to such case to decide the trial. It is for the trial court to adjudicate the entire facts after evidence is adduced.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE