

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 1612 of 2018**

Prabhu Dayal S/o Roop Lal, aged about 32 years, R/o- Azad Nagar,
Godripara, P.S. Chirmiri, Tahsil- Khadgawan, District- Koriya,
Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through - Station House Officer, Police Station-
Chirmiri, District- Koriya, Chhattisgarh

---- Respondent

For Applicant : Shri L. C. Das, Advocate
For Respondent/State: Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/02/2018**

This is the repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 333/2017 registered at Police Station Chirmiri, District Koriya (CG) for the offence punishable under Sections 457 & 380 of IPC.

2. The earlier bail application was dismissed as withdrawn with liberty to revive the same after the complainant is examined vide order dated 13.12.2017.
3. Counsel for the applicant fairly submits that the complainant till date has not been examined. He submits that in spite of repeated opportunities being given, the complainant is not entering appearance for evidence. He further submits that the co-accused has also been released on bail by the Sessions Court. Thus, prayed for the applicant to be released on bail.
4. State counsel, however, opposes the bail application.
5. Perusal of the record would show that this Court was reluctant in

granting bail to the applicant at the first instance and that is why the claimant sought for withdrawal of the bail application to revive the same after the complainant is examined. The earlier order was passed barely two months ago. Under the circumstances, this Court is not inclined to grant bail to the applicant at this juncture.

6. Accordingly, the present application for grant of bail stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE