

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 695 of 2018**

1. Sukhbar Sidar, S/o. Ghasiya Sidar, Aged About 56 Years, Village Bonda, Police Station -Pusour, District- Raigarh, Chhattisgarh.
2. Satnarayan Sidar, S/o. Sukhbar Siadar, Aged About 29 Years, Village-Bonda, Police Station -Pusour, District -Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through: The Police Station- Pusour, District Raigarh Chhattisgarh.

---- Respondent

For Applicants	: Ms. Bulbul Agrawal, Advocate
For State/respondent	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/04/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.76/2011, registered at Police Station – Pusour, District – Raigarh (C.G.), for the offence punishable under Section 302, 34 of the Indian Penal Code. The first bail application of the applicants were dismissed on merits vide order dated 19.09.2017 in M.Cr.C. No. 4106/2017.
2. It is submitted by the learned counsel for the applicants that some of the witnesses have been examined before the trial Court and according the statement given by them, the circumstances have changed. Further the dispute have been regarding family property and there was no motive to kill the deceased. It is also submitted that the doctor examined before the Court has admitted that injuries caused to the deceased could not have been caused by a club. Hence, under

these circumstances, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect and it is submitted that it is not a case that all the witnesses have turned hostile and made admission suitable for the applicants. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The first bail application of the applicants was dismissed on merits by the Coordinate Bench of this Court. Photocopy of the deposition sheets of the witnesses have been filed. On perusal of the these documents it does not appear that evidence against the applicants is totally absent. The credibility of the statement of the witnesses is to be examined by the trial Court after proper scrutiny and analysis at the judgment stage and it will be the trial Court, which shall either believe or disbelieve the statement of the witnesses and this can not be done by this Court for the purpose of grant of bail. Hence finding no merits in this case, the application is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge