

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4687 of 2018**

Hithlesh @ Mithlesh S/o Kapil Sai, Aged About 23 Years, R/o Village Girwarganj (Bairpara) P. S. and District Surajpur Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through S.H.O. Police Station Surajpur,
District Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri J. K. Shastri, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/07/2018**

Present is a repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 29.06.2017 in connection with Crime No. 264/2017 registered at Police Station- Surajpur, District Surajpur (CG) for the offence punishable under Section 307 of IPC and Section 25/27 of Arms Act.

2. The earlier bail application was rejected vide order dated 06.12.2017 in MCRC No. 6723/2017.

3. Counsel for the applicant submits that the applicant has remained in custody for more than one year and that most of the witnesses have been examined and that they have not fully supported the case of the prosecution, therefore, prays for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that

it is a case where the main witnesses are yet to be examined including the eye witness and the injured witness, therefore, it is too early at this juncture, to release the applicant on bail. He further submits that even the witnesses who have been examined have supported the case of the prosecution. State counsel drew the attention of this Court to the deposition of Sundri Bai PW-7 who in her chief has specifically stated of having witnessed the applicant firing a gun shot upon the injured.

5. Considering the entire facts and circumstances of the case, particularly taking note of the evidence of PW-7 and the fact that other eye witnesses and the injured witness are yet to be examined, this Court does not find proper to release the applicant on bail at this juncture.

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

**Sd/-
(P. Sam Koshy)
Judge**