

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6703 of 2018

- Mukesh Patel S/o Rajesh Patel, Aged About 22 Years, R/o Ward No. 14, Village Daniya, Post and Police Station Bodri, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bori District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Aman Kesharwani, Advocates.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-10-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His earlier bail application was rejected on merits by this Court on 30-04-2018. The applicant has been arrested on 28-01-2018 in connection with Crime No.02/2018 registered at P.S. - Bori, District Durg, Chhattisgarh for the offence under Section 304-B/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant that the change that has taken place is this, that father of the deceased has been examined before the Court and he has made some admissions which are in favour of the applicant. Hence, the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. After considering on the copy of deposition which is on record, it is observed that the statement given by the father of the deceased needs appreciation that is within jurisdiction of the trial Court, this Court cannot usurp the jurisdiction of the trial Court, hence, I am of this opinion that there is no

change in circumstances and therefore, the application deserves to be rejected.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil