

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6296 of 2018

- Rajudas Mahant S/o Manghan Das Mahant, Aged About 32 Years, R/o Village Devgaon, Police Station Dipka, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Dipka, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State –Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-10-2018

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 first bail application was dismissed on merits. The applicant has been arrested on 25-10-2017 in connection with Crime No.98/2017 registered at P.S. - Dipka, District Korba, Chhattisgarh for the offence under Section 395, 394, 398 of the IPC.

2. It is submitted on behalf of the applicant that in the trial conducted before the trial Court 16 witnesses have been examined and all of them have turned hostile, because of which, now the applicant has become entitled for grant of bail. Hence, it is prayed that this 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 documents.

5. The first bail application of this applicant, MCRC 2846/2018 has been decided and rejected on merits vide order dated 27-06-2018 by this Court, hence, there is no need to go back into the merits of the case. Copies of the

deposition of the witnesses have been filed before this Court which cannot be appreciated by this Court while deciding the bail application. The applicant has right to dispute the statement of the witnesses before the trial Court itself. Hence, for these reasons, I do not feel inclined to allow this application.

7. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected. However, the trial Court is directed to expedite the trial and conclude the same within a period of two months from the date of communication of this order.

Sd/-

(Rajendra Chandra Singh Samant)
Judge