

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8043 of 2018**

Narendra Banjare @ Narendra, S/o. Shri Dhanwa Banjare, aged about 23 years, R/o. Village – Chota Ashok Nagar, Behind Ghasi Das Chabutara, Gudhiyari, P.S. Gudhiyari, District Revenue and Civil – Raipur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station- Gudhiyari, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. N.K. Malviya, Advocate
 For Respondent : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/10/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.248/2017, registered at Police Station- Gudhiyari, District – Raipur (C.G.) for the offence punishable under Section 148, 294/149, 323, 506(B)/149, 302/149 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to revive the same after examination of the eye-witnesses vide order dated 05.07.2018 in M.Cr.C. No.3611 of 2018.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Similarly placed co-accused has been

enlarged on bail by this Court. Subsequent to that eye-witness in this case have been examined, who do not directly implicate this applicant. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that copy of deposition that have been filed along with this application have been recorded before the date on which the earlier application was withdrawn, hence this material was available at that time. No deposition of the witnesses has been filed whose evidence has been recorded subsequent to the date of disposal of earlier application. The eye-witnesses are yet to be examined. Hence, it is prayed that the application may be rejected.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As alleged, this applicant assaulted the deceased Shubham with a wooden plunk, which has resulted in his death. There are eye-witnesses in this case. As the eye-witness has still not been examined, I do not find any change of circumstances, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge