

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 205 of 2019**

Rakesh Dahre @ Mangloo S/o Shri Santu Dahre (Ratnu Dahre), aged about 26 years, R/o Village Limtara, Police Station Simga, District Balodabazar Bhatapara (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Simga, District Balodabazar Bhatapara (CG). **---- Non-applicant**

For Applicant	: Mr. Yogesh Kumar Chandra, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.01.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.237/2018 registered at Police Station Simga, District Baloda Bazar Bhatapara for the offence punishable under Sections 307, 498A, 147/34 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by the order of this Court dated 05.12.2018 passed in M.Cr.C. No. 8907/2018.
3. Case of the prosecution in brief is that the applicant is brother-in-law (Jeth) of complainant Nandini Dahre. She is a resident of village Limtara. On 29.07.2018 at about 7:00 p.m., the applicant and co-accused Dilip Chature, Bharat Kumar, Kundan Chature, Faleshwar reached in the house of prosecutrix. The applicant poured kerosene oil on the complainant and tried to set her on fire by matchbox.
4. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. He further submitted that numbers of the prosecution witnesses including complainant Nandini Dahre have been examined before the trial Court and they have turned hostile hence looking to these circumstances the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. He submitted that 09 criminal cases, out of which, 05 cases

under IPC, 01 case under Gambling Act and 04 cases under Cr.P.C.

6. Though, some prosecution witnesses including complainant Nandini Dahre have turned hostile before the trial Court, but looking to this fact that 09 criminal cases have already been registered against the applicant, this Court is not inclined to give benefit of Section 439 of CrPC to the applicant. Consequently, the second bail application of the applicant is rejected.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-