

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 390 of 2019**

- Mahesh Nishad S/o Late Budharuram Nishad Aged About 30 Years R/o Gandhi Chowk, Sadoo, P.S. Vidhansabha, Raipur, Tahsil And District Raipur Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Vidhansabha, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri M.L. Sen, Advocate
For Respondent/State	:	Shri R.K. Bhagat, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/01/2019**

1. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 30.01.2018 in connection with Crime No.30/2018 registered at Police Station Vidhansabha, Raipur, District Raipur (CG) for the offence punishable under Sections 307/34, 506, 294 IPC.
2. The First bail application bearing M.Cr.C. No.3117/2018 was dismissed on 30.07.2018 and the second bail application bearing M.Cr.C. No.6490/2018 was dismissed on 17.09.2018.
3. Learned counsel for the applicant submits that all the important witnesses have been examined and they have not supported the case of the prosecution,

therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the injured Durgesh Yadav (PW-2) has supported the case of the prosecution.
5. The argument advanced by learned counsel for the applicant at this stage cannot be appreciated as the veracity of the statement made by the complainant cannot be evaluated at this stage as compared to other witnesses. It is for the trial Court to evaluate the same by taking the facts into entirety, any finding at this stage will amount to holding a trial and give an opinion as most of the witnesses have been examined, I do not find any change of circumstances to reconsider this repeat bail application. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu