

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 441 of 2019

- Mahendra Ekka, S/o Shri Soona Ekka, aged about 28 Years, R/o Village-Kharsota, Police-Station-Pasta, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station Incharge, Police-Station-Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Soniya Kuldeep, Advocate.
For Respondent	:	Mr. I. Lakda, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/03/2019

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application was rejected on merits on 2.8.2018.
2. This 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.59/2017, registered at Police Station- Ramanujganj, District–Balrampur Ramanumganj(C.G.) for the offence punishable under Sections 307 & 302 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since

25.04.2017. In the present development of things, the main eyewitness of this case has been examined Mariyam PW-2, the mother of the deceased she has not supported the prosecution case and the rest of the witnesses are hearsay, therefore, looking to this development, it is prayed that applicant be enlarged on bail.

4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that Moti Lal is also one of the main witnesses, who is though not an eyewitness but he is a witness of circumstance and he has supported the prosecution case, hence, he is not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. After perusing the certified copy of the evidence of the witness recorded by the trial Court so far, I am of this opinion that the innocence of the applicant cannot be presumed at the stage without appreciation of the evidence present of the eye witnesses and was the witnesses of circumstances, which shall be appreciated and finding shall be given by trial Court, for these reasons, I do not feel inclined to grant regular bail to this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge