

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 720 of 2019

Arabsai S/o Late Sonu Sai Aged About 50 Years, R/o Village- Parsa, P.S.-
Kusmi, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station-
Kusmi, District- Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.

For Respondent : Mr. I. Lakra, Dy. G.A.

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

11/02/2019

1. This is 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 in connection with Crime No.65/2007, registered at Police- Station- Kusmi, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 302/34 of Indian Penal Code. The first bail application bearing M.Cr.C. No.786 of 2018 was rejected on merits vide order dated 02.04.2018, whereas second bail application bearing M.Cr.C. No. 6013 of 2018 was dismissed as withdrawn vide order dated 04.09.2018.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. In the new development that has taken place, the important witnesses, who have been examined, have not made any statement implicating this applicant.

Hence, for these reasons, he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that earlier the bail application has been rejected on merits and only for the reason, that witnesses have made some variation in their statements, it cannot be said that change in circumstances has taken place. Hence, he is not entitled for grant of regular bail.
4. I have heard learned counsel for both the parties and perused the copy of deposition of witnesses filed along with the application.
5. The witnesses of oral dying declaration who had made a statement against this applicant, have not supported the prosecution case, which appears to be a change in circumstances, hence for this reason, this Court is of the opinion that present is 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 allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge