

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 888 of 2019**

Ramesh Dewangan S/o Vipta Ram Panika Aged About 22 Years R/o
Savtar, Police Station Pratappur, District Surajpur, Chhattisgarh.

--- **Petitioner**

Versus

State of Chhattisgarh through Police Station Kotwali, Ambikapur,
District : Surguja (Ambikapur), Chhattisgarh

--- **Respondent**

For the applicant	: Mr. Prasoon Agrawal, Advocate.
For the Respondent	: Mr. Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****19.02.2019**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 759/2016 registered at Police Station Kotwali, Distt. Surguja (C.G) for the offences punishable under Sections 302, 201 read with section 34 of IPC.
2. The first bail application was dismissed on 23.01.2017 in M.Cr.C.No.5625 of 2017.
3. As per the prosecution case, one Karam Dev Vishwakarma was murdered on 29.10.2016. It is alleged that the present applicant and another accused Akhilesh Vishwakarma were having some monetary dispute with the deceased as the deceased had given certain loan and when it was demanded by the deceased, he was throttled by way of a muffler and was killed by a screw driver. Subsequently, the motorcycle which belongs to the deceased was recovered from the

possession of present applicant and Akhilesh Vishwakarma and also the screw driver which was used during the murder was recovered.

4. Learned counsel for the applicant submits that the present applicant has been inculpated only on the ground of seizure of motorcycle and the seizure witnesses have not supported the case of prosecution, therefore, the applicant may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application.
6. The depositions of detailed examination and cross examination of witnesses are placed on record to show that the witnesses have not supported the case of prosecution.
7. At this stage, while deciding the bail application this Court cannot usurp the power of the trial Court to give a finding. It is for the trial Court to appreciate the entire facts and evidence of witnesses and give a finding while adjudicating the case. Accordingly, this bail application is dismissed.
8. However, the trial Court is requested to expedite the trial.

Sd/-

**GOUTAM BHADURI
JUDGE**