

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1310 of 2019

Bodhraj Singh, S/o. Devlal Singh, Aged About 45 Years, R/o. Village Kurdi, Police Station Chando, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Samripath, District – Balrampur, Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Apoorva Tripathi, Advocate
For State/respondent	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/03/2019

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.31/2017, registered at Police Station – Samripath, District – Balrampur – Ramanujganj (C.G.), for the offence punishable under Section 323, 386, 394, 395, 450, 506 of the Indian Penal Code and 25 & 27 of the Arms Act. The first bail application was dismissed on merits vide order dated 18.06.2018 in M.Cr.C. No.2927/2018.
2. It is submitted by the learned counsel for the applicant that change of circumstances that has taken place is this that earlier application for grant of regular bail was rejected making an observation that question of identification of the applicant shall be finalized after appearance of the witnesses before the trial Court. Now the material witnesses have been examined before the trial Court namely Vinod (P.W.-1), Dhulu Nageshiya (P.W.-2), Jokhan Nageshiya (P.W.-3) and they have not

identified the applicant and have not made any statement against him. Hence, on the basis of this change of circumstances, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that trial is yet to be concluded. Further the earlier application has been rejected on merits, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Perused the certified copy of the deposition of the material witnesses Vinod (P.W.-1), Dhulu Nageshiya (P.W.-2), Jokhan Nageshiya (P.W.-3) and it appears that they have not made any statement of identification of applicant and his participation before the Court. Hence, after due consideration, 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 the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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