

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1644 of 2019**

Tiharuram Sahu, S/o Battulal Sahu, aged about 65 years R/o-
Village Panchri, Police Station- Bilaigarh, District- Baloda Bazar-
Bhatapara (C.G.) **---- Applicant**

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station
Bilaigarh, District- Baloda Bazar- Bhatapara (C.G.) **---- Respondent**

For Applicant : Mr. Rakesh Pandey, Advocate.

For Respondent/ State : Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****03/04/2019**

1. This is third bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 29.03.2018 in connection with Crime No. 78/2018 registered at Police Station- Bilaigarh, District- Baloda Bazar- Bhatapara (C.G.), for the offence punishable under Sections 294, 506, 307, 302 read with Section 34 of IPC.
2. As per the prosecution, deceased Parauram Sahu was issueless and he was son of Bhattulal and brother of present applicant. He executed a will in favour of one Laxmi Prasad who was son of Ram Lal Sahu that caused angered to the present applicant and he threatened the deceased to kill and as per the supplementary statement of Ram Lal Sahu, Smt. Rukhmani Sahu and Smt. Bindeshwari Sahu, the present applicant is involved in commission of offence of murder of Parauram.

3. Learned counsel for the applicant submits that the applicant has no role to play in commission of offence and witnesses have not stated anything against the present applicant in first instance, but in their second statement they made improvement involving the present applicant therefore, he may be granted bail.
4. On the contrary, learned State counsel submits that there is prima facie evidence against the present applicant. Statement of Ramlal Sahu, Rukhmani Bai & Bindeshwari was recorded by the trial court and they are firm to their statement recorded under Section 161 of Cr.M.P., therefore, the applicant is not entitled to be released on bail at this instance and the application for grant of bail may be rejected.
5. The application for grant of bail was earlier rejected by this Court vide order dated 17.08.2018. There is no change in circumstances prevailing of the date of rejection of earlier bail application, therefore, it is not a fit case to grant bail in favour of the applicant and I am not inclined to grant regular bail in favour of the applicant.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge