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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1684 of 2019**

Virendra Kumar Koshale S/o Shri Budhram Koshal Aged About 48 Years R/o Village Dhansuli, Post Nardaha, Police Station Vidhansabha Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Khallari, District Mahasamud Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Smt. Smita Jha, Advocate.
For the Respondent/State : Shri Arun Kumar Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.05.2019**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was decided on merits by this Court in M.Cr.C. No. 2890 of 2018 dated 25.6.2018. The applicant has been arrested in connection with Crime No.15 of 2018, registered at Police Station – Khallari, District Mahasamund, Chhattisgarh for the offence punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the change in circumstance has taken place as the witnesses of memorandum and seizure have been examined before the trial Court who have not supported the prosecution case. Hence, for these reasons, it is prayed that the applicant

be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. Perused the certified copy of the deposition of the independent witnesses produced alongwith the application, it appears that they had been declared hostile and have not supported the case of the prosecution. The Investigating Officer has to be examined and there is a possibility that the Court below may find the evidence of the Investigating Officer reliable. Apart from that, it was observed from the earlier order that there is presence of evidence regarding participation of this applicant in the commission of offence. Therefore, I do not feel inclined to grant bail to the applicant in this case.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge