

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1853 of 2019**

Narendra Banjare @ Narendra S/o Shri Dhanwa Banjare Aged About 23 Years R/o Chota Ashok Nagar, Behind Ghasidas Chabutra, Ghdhiyari, P. S. Gudhiyari, District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Gudhiyari, District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Yogesh Pandey, Advocate.
For the Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.04.2019**

Heard.

1. This is the third bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 3611 of 2018 on 5.7.2018 and the second bail application was decided on merits by this Court in M.Cr.C. No. 8043 of 2018 on 31.10.2018. The applicant has been arrested in connection with Crime No.248 of 2017, registered at Police Station – Gudhiyari, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 148, 294/ 149, 323, 506B/149 and 302/149 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the material witnesses have been examined before the trial Court and according to appreciation of

the statements given by them no case is made out against the applicant. 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. It is submitted that some of the witnesses have turned hostile and not supported the prosecution case but there are witnesses like Nikhil Anand Ramtek (PW-8) and Abhijeet Wasnik (PW-10) who have given statement against this applicant and the other co-accused persons. The quality of the evidence shall be appreciated by the trial Court. Hence, the applicant is not entitled for grant of regular bail.

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

5. Considered the submissions made by both the parties and also perused the deposition of the witnesses examined so far. It is not for this Court to appreciate for the purposes of finding whether there is a case against the applicant or not. According to the submissions made by the State counsel, it cannot be said that it is a case of altogether no evidence, hence, I do not feel inclined to allow the application.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge