

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2365 of 2019**

1. Sahadat Ansari S/o Suleman Ansari, Aged About 28 Years, R/o Village Kurdi, Police Station Chando, District Balrampur-Ramanujan Chhattisgarh, District : Balrampur, Chhattisgarh
2. Rupesh @ Bigan Ram S/o Bhuneshwar Ram, Aged About 19 Years, R/o Village Kurdi, Police Station Chando, District Balrampur-Ramanujan Chhattisgarh, District : Balrampur, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Samripath, District Balrampur-Ramanujan Chhattisgarh, District : Balrampur, Chhattisgarh

**----Non-applicant**

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For Applicants – Ms. Ishwari Ghritlahre, Advocate.

For Non-applicant/State –Mr. Adil Minhaj, Panel Lawyer.

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

**Order on Board**

**15-04-2019**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 02-09-2017 and 09-09-2017 respectively in connection with Crime No.31/2017 registered at P.S. -Samripath, District Balrampur-Ramanujan, Chhattisgarh for the offence under Section 323, 386, 394, 395, 450, 506 of the IPC & Section 25, 27 of Arms Act.

2. It is submitted on behalf of the applicants that this is repeat bail application for grant of bail to the applicants. The earlier application of these applicants has been rejected on merits by this Court. The change in circumstances that has taken place is this, that main witnesses in this case have turned hostile and not supported the prosecution case. On similar ground one co-accused Bodhraj Singh has been granted bail by this Court in MCRC No.1310/2019 by order dated 11-03-2019. Hence, it is prayed that these

applicants may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the documents.

5. Perused the certified copies of the deposition of the witnesses filed by the applicants and it appears that all the relevant witnesses have turned hostile and not supported the prosecution case, hence, this is change in circumstances which is in favour of these applicants. Therefore, I feel inclined to allow this application.

6. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

7. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**