

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3530 of 2019

- Jattu Khairwar, S/o Ghasi Khairwar, Aged About 40 Years, R/o Kurdihh, Police-Station-Chando, District-Balrampur, Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Smaripath, District-Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Aditya Chopda, Advocate.
For Respondent	:	Mr. Avinash Kumar Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/07/2019

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.3527 of 2018 vide order dated 18.6.2018 was rejected by this Court.
2. This 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 Sections 323, 386, 394, 395, 450, 506 of the Indian Penal Code and Section 25, 27 of Arms Act.
3. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. It is submitted that subsequent to the rejection of earlier bail application, the trial has progressed and

almost all the witnesses, who have been examined have not supported the prosecution case. Copy of the depositions of the witnesses have been produced along with the application for perusal of this Court. Similarly placed co-accused person Bodhraj Singh has been granted bail, therefore, looking to this change in circumstance, it is prayed that the applicant be granted regular bail.

4. Learned State counsel opposes the application and submissions made in this respect.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The earlier application of this applicant was rejected on the ground that the question of identification of the applicants shall be finalized after appearance of the witnesses before the trial Court.
7. On perusal of the copy of depositions of the witnesses filed along with the application, it appears that the witnesses who have examined have not identified this applicant as one of the culprits, therefore, there is change in circumstance, on the basis of which, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge