

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1846 of 2021**

1. Dharmendra Nishad, S/o. Shri Arjun Nishad, aged about 21 years,
 2. Dilip Singh Netam, S/o. Shri Prahlad Netam, aged about 30 years,
- Both are R/o. Village Vyas Kongera, Thana- Kanker, District- North Baster Kanker Chhattisgarh.

---- Applicants**Versus**

The State of Chhattisgarh, Through : The Station House Officer, Police Station - Kanker, District- North Baster Kanker Chhattisgarh.

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/06/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.167/2020, registered at Police Station – Kanker, District – North Bastar Kanker (C.G.) for the offence punishable under Section 302, 201/34 of the Indian Penal Code. The first bail application M.Cr.C. No. 7007 of 2020 has been dismissed on merits vide order dated 19.10.2020.
2. It is submitted by the learned counsel for the applicants that the applicants are innocent and their innocence has been established in the trial, which has been conducted so far as no witnesses have made any statement against them. Witnesses of memorandum and seizure

have turned hostile, therefore, there is no evidence present on the basis of which, the applicants can be convicted in the case. Therefore, it is prayed that both the applicants may be enlarged on regular 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 previous bail application M.Cr.C. No.7007 of 2020 has been dismissed on merits, therefore, the prayer for bail can not be again considered on merits. Hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. There is no need to go into the merits of the case as it is a second bail application. The witnesses, who have been examined so far have not made any statement against these applicants, but according to the list of the witnesses in the charge-sheet, total 31 numbers of witnesses are to be examined. Charge against the applicants is of very grave nature being the charge of murder. Hence, for this reason, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge