

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4969 of 2021**

1. Dharmendra Nishad S/o Shri Arjun Nishad, Aged About 21 Years R/o. Village - Vyas Kongera, Thana - Kanker, District - North Bastar Kanker Chhattisgarh.
2. Dilip Singh Netam S/o Shri Prahlad Netam, Aged About 30 Years R/o. Village - Vyas Kongera, Thana - Kanker, District - North Bastar Kanker Chhattisgarh.

---- Applicants**Versus**

The State Of Chhattisgarh, Through The Station House Officer, Police Station - Kanker, District - North Bastar Kanker Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
 For the Respondent/State : Smt. Smriti Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.08.2021**

Heard.

1. This is the third bail application of the applicants. The first bail application of the applicants was dismissed on merits on 19.10.2020 in M.Cr.C. No. 7007 of 2020 and the second bail application was again dismissed on merits on 25.6.2021 in M.Cr.C. No. 1846 of 2021. The applicants have been arrested in connection with Crime No.167 of 2020, registered at Police Station – Kanker, District – North Bastar Kanker, Chhattisgarh for the offence punishable under Sections 302 and 201/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 13.6.2020 and have been falsely implicated in this case. The circumstances have changed in their favour as some of the material witnesses have been examined who have not supported the prosecution case. The witnesses of the memorandum and seizure have turned hostile, therefore, there is no evidence present against these applicants. It is also submitted that one co-accused – Smt. Sharda Nishad has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No.1875 of 2021 vide order dated 5.7.2021. Hence, it is prayed that the applicants 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 the previous applications of these applicants have been decided on merits. Further, the trial in the case is still continuing and a number of witnesses are yet to be examined, therefore, there is no case present for grant of bail to these applicants. Hence, the applicants are not entitled for grant of bail.

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

5. The previous applications of these applicants have been decided on merits. The ground raised in the present application is that the witnesses of memorandum and seizure have turned hostile, has been taken into consideration and the prayer for bail was rejected in M.Cr.C. No.1846 of 2021 vide order dated 25.6.2021, therefore, the similar ground has been raised again in this application, which cannot be taken into consideration.

6. Considering the submissions, the previous orders passed cannot be reviewed. Hence, for these reasons, I do not find any reason to allow this third bail application.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge