

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7458 of 2021

- Shivram Yadav S/o Teejram Yadav, Aged About 50 Years R/o Village Purena Khapri, Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara Chhattisgarh,

---- Respondent

For Applicant	:	Mr. Aditya Khare, Advocate
For State	:	Mr. Aman Kesharwani, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.09.2021

1. Heard
2. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of bail as he was arrested on 03.09.2019 in connection with Crime No. 508/2019, registered in Police Station City Kotwali Balodabazar Distt. Balodabazar-Bhatapara (C.G.) for offence punishable under Section 302/34 of IPC. The first bail application was withdrawn on 05.01.2021.
3. As per the prosecution case, on 02.09.2021, the applicant along with his father has assaulted one Santosh Kumar by way of a knife in the background of the witchcraft. Eventually, he died.
4. Learned counsel for the applicant submits that that the applicant has been falsely implicated in this case. He submits that six of the witnesses have been examined and no witness has deposed in favour of the prosecution. The applicant is in jail since 03.09.2019, therefore he may be enlarged on bail.
5. Perused the statement of one of the witness. At this stage while considering the

bail, I am not inclined to evaluate the admissibility of the same as it may be interpreted either way in favour of the prosecution or in favour of the accused. Considering the same, this Court is not inclined to reconsider the bail application and grant bail to the applicant. Accordingly, the bail application filed under Section 439 of Cr.P.C. stands dismissed.

6. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

Vishakha