

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7906 of 2021**

- Jaikishan Bandey S/o Dayaram Bandey Aged About 25 Years
R/o Village Dotopar, P.S. - Baloda Bazar, District -Baloda Bazar
(Chhattisgarh)

---- Applicant***Versus***

- State Of Chhattisgarh Through - Station House Officer, Police
Station - City Kotwali, Baloda Bazar, District - Baloda Bazar
(Chhattisgarh)

---- Respondent

 For Applicant : Shri Anil Singh Rajput, Advocate
 For respondent/State : Shri Sameer Oraon, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****22.11.2021.**

1. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 17.7.2020 in connection with Crime No.454/2020 registered at Police Station City Kotwali, Baloda Bazar Distt. Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Sections 294, 324, 506, 302 & 34 of the Indian Penal Code, 1860 (for short 'IPC'). First bail application of the applicant has been dismissed by coordinate Bench of this Court vide order dated 29.10.2020 passed in MCRC No.6557 of 2020.

2. Brief facts of the case are that the applicant along with other co-accused person assaulted the deceased with knife and as a result of stab injury, the deceased succumbed to injury.

3. Learned counsel for the applicant submits that the applicant has not committed the alleged crime. As per the case

of the prosecution, the applicant did not stab with the knife upon the deceased. He would further submit that Paras Ram (PW-3) and Vijay Kumar Tandon (PW-2) are said to be the eye witnesses of the incident, but they have been declared hostile by the prosecution during the trial. The applicant is in jail since 17.7.2020, hence, he may be released on bail.

4. On the other hand, learned counsel for the State vehemently opposed the bail application stating that first bail application of the applicant was dismissed on merits and thereafter no circumstances have been changed and moreover, the eyewitnesses have not completely turned hostile during trial, hence, the second bail application is also liable to be dismissed.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, and also taking into consideration the case diary which shows the active involvement of the present applicant in the crime in question and also considering that there is no change in the circumstances warranting change of opinion, I do not feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is rejected.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE