

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8333 of 2021

- Anup Kumar Sai S/o Shri Harishchandra Sai Aged About 60 Years R/o Bagharachaka, Police Station Brijraj Nagar, District Jharsugda Odissa.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Of The Police Station Chakradhar Nagar , Tahsil And District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Manoj Paranjape, Advocate along with Shri Abhishek Saraf, Advocate
For Respondent /State	: Shri Devendra Pratap Singh, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/11/2021

This is the third bail application filed on behalf of the applicant under Section 439 Cr.P.C. for releasing him on regular bail during trial in connection with Crime Number 158/2016 registered at Police station Chakradhar Nagar, District Raigarh CG for the offence punishable under Sections 302,201,120(B)/34 IPC.

The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses vide order dated 16.07.2020 in M.Cr.C. No. 3187/2020 and thereafter the second bail application was rejected on merits vide order dated 08.04.2021 in M.Cr.C. No. 6458/2020.

Counsel for the applicant submits that the witnesses of last seen and the seizure and memorandum witnesses have not stated anything against the applicant and have turned hostile. He submits that prima facie no case is made out against the present applicant. Lastly, he submits that the applicant is in jail since 13.02.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore the applicant be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of the offence, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 Cr.P.C. is rejected.

Sd/-

(Rajani Dubey)

Judge