

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9862 of 2021**

- Amrit Yadav S/o Tulsi Yadav aged about 55 Years R/o Village Lagru, Police Station and Tahsil Batauli, District- Surguja, Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh Through The Station House Officer Police Station Batauli, District- Surguja (Chhattisgarh)

-----Non-applicant

For Applicant	: Mr. Harshwardhan Parganiha, Advocate
For Non-applicant	: Mr. Vimlesh Bajpai, Govt. Adv.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****13/12/2021**

1. Learned counsel for applicant submits that this is **Third bail application** under Section 439 of CrPC. First bail application was dismissed on merits *vide* order dated 09.11.2020 reserving liberty to revive the prayer after examination of material witnesses. Second bail application filed by applicant for grant of bail was dismissed as withdrawn *vide* order dated 09.08.2021. Learned counsel submits that the material witnesses have been examined by the trial Court and there are contradictions and omissions in their evidence, hence, applicant may be enlarged on bail.
2. Mr. Vimlesh Bajpai, learned State counsel submits that there are 14 enlisted witnesses out of which 9 witnesses have been examined till the month of October 2021, evidence of witness is not to be appreciated in this proceedings, hence, applicant is not entitled for grant of bail when first bail application was considered and dismissed on merits by impugned order itself.

3. At this stage, learned counsel for applicant submits that only 4 witnesses are remaining to be examined by trial Court and prays that a direction be issued to trial Court to conclude the trial within specific time period.
4. Considering that the first bail application filed by applicant was dismissed on merits and further considering the evidence of Suraj Yadav and Ramkumar Yadav, I am not inclined to entertain this third bail application.
5. In view of above, application is dismissed. Trial Court is directed to decide the criminal case expeditiously preferably within a period of 2 months from the date of production of certified copy of this order.

Sd/-
(Parth Prateem Sahu)
Judge