

(2020) 04 CHH CK 0013

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 2687 Of 2019

Anand Kumar Pav Shri Pooran Singh Pav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 24-04-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 302

Citation : (2020) 04 CHH CK 0013

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Prakash Kumar Mishra, Rahul Mishra

Final Decision : Dismissed

Judgement

P. Sam Koshym, J

1. This is the second application filed under Section 439 of the Cr. P.C. for grant of bail by the applicant, who has been arrested in connection with Crime No. 126/2017 registered at Police Station Khadgawan, District Koriya, Chhattisgarh for the offence punishable under Section 302, 34 of Indian Penal Code.

2. The present applicant is in jail since 13.08.2017 in connection with the aforesaid Crime Number.

3. The earlier bail application MCRC 936 of 2018 stood rejected by this Court on 16.04.2018. The ground in the present bail application is that the eye witness Mahavir Singh, who has been examined before the trial Court has not supported the case of the prosecution and thus petitioner should be granted the benefit on account of the statement of said eye witness, Mahaveer Singh.

4. Perusal of record would show that the earlier bail application was rejected on the ground that there were five eye witnesses of the incident and out of those five eye witnesses only one eye witness namely, Mahaveer Singh has been

examined, four remaining eye witnesses are yet to be examined.

5. Given the facts, there are four witnesses yet to be examined, this Court at this stage is not inclined to grant bail to the applicant only on the basis of the statement/deposition of eye witness, Mahavir Singh. For the aforesaid reason, this Court does not find any strong ground made out for grant of bail.

6. This MCRC accordingly stands rejected.