

**31/3/17**

No one appears for the rival parties, presumably because of the call given by the State Bar Council to the Advocates to abstain from the Court work.

Case Diary is perused.

The present third bail application has been u/S. 439 of Cr.P.C. Applicant is in custody since 14.10.2016 in connection with offences punishable u/Ss.302, 307, 147, 148 and Sec. 149 of IPC registered as Crime No.72/2014 at Police Station Dehat, District Bhind.

This repeat bail application has been filed after rejection of earlier one which was dismissed on merits with liberty to come again after examination of all the eye witnesses.

Admittedly one of the eye witnesses Atri has not yet been examined and the ground of delayed trial is taken in the present case where the petitioner is in custody since 14.10.16.

Looking to the period of custody which is about five months as the against the gravity of offence which is of murder, this Court is of the considered view that the petitioner for the time being is not entitled to bail.

Moreover it is noticeable from the order dated 26.9.16 passed in Mcrc. No. 8594/16 that on account of the petitioner having misused the bail granted to him by this Court earlier had suffered cancellation of bail. Petitioner thus has misused liberty granted and therefore he is not entitled to bail.

Accordingly present bail application deserves to be and is therefore rejected.

**(Sheel Nagu)**  
**Judge**

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