

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1693 of 2015

Gopal Prasad S/o Ramvriksh Sao, Aged about 46 years, R/o village
Tatijhariya, PS Samri Path, Civil District Sarguja and Revenue District
Balrampur-Ramanujganj (C.G.)

---- **Petitioner**

Versus

State of Chhattisgarh Through the Station House Officer, Police Station
Samri Path, Distt. Balrampur-Ramanujganj, Chhattisgarh.

---- **Respondent**

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Respondent /State	:	Shri Adil Minhaj, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03/07/2015

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 16.06.2014 in connection with Crime No. 7/2014 registered at P.S. Samri Path, Dist. Balrampur Ramanujganj for the offence punishable under Sections 306/34 of IPC.

The first bail application of the applicant was rejected by this Court on merit vide order dated 17.09.2014 in M.Cr.C. No.4604 of 2014.

Counsel for the applicant submits that firstly the applicant has already remained in custody for a period of more than one year and secondly, during the course of trial, the main witnesses examined on behalf of the prosecution have not supported the case of the prosecution and turned hostile, as such the possibility of conviction of the applicant appears to be remote and therefore the applicant may be released on bail at this juncture.

However, State counsel opposing the bail application submits that apart from the witnesses who have been examined and turned hostile, there are other witnesses also who have yet to be examined can prove the prosecution case.

Taking into consideration the total facts and circumstances of the case, particularly the period of detention as well as the fact that the material witnesses till now examined have turned hostile, this

Court is of the opinion that it is a fit case where the present applicant can be released on bail at this juncture.

Accordingly, the application for grant of bail is allowed. It is directed that if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(P Sam Koshy)

Judge

Bhola