

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3420 of 2015

Ashwani Kumar S/o Lal Ji Verma, Aged about 43 years R/o Village Semariya, P.S. Nandghat, Tahsil Nawagarh, Civil & Revenue District Bemetara, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, P.S. Nandghat, District Bemetara, Chhattisgarh

---- Respondent

For Petitioner	-	Shri Sanjay S. Agrawal, Advocate
For Respondent/	-	Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

10/07/2015

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 21.03.2014 in connection with Crime No. 70/2014 registered at P.S. Nandghat, District Bemetara for the offence punishable under Sections 302, 201 and 120B of IPC.

The first bail application of the applicant was rejected by this Court on merits vide order dated 28.07.2014 in M.Cr.C. No.3617 of 2014.

Counsel for the applicant submits that the first bail application of the applicant was rejected by this Court taking into consideration the case of the prosecution on the basis of the charge-sheet. He further submits that subsequent to the matter being put to trial, almost half of the prosecution witnesses have already been examined and none of the witnesses till now examined have stated anything against the applicant to have played any role in commission of the said offence and as such the possibility of his conviction is very remote and therefore prays that the applicant may be released on bail.

However, opposing the bail application State Counsel submits that since the first bail application was already rejected by

this Court on merit and almost half of the prosecution witnesses are yet to be examined, it would not be proper at this stage to grant bail to the applicant.

Taking into consideration the total facts and circumstances of the case, particularly the period of detention of the applicant which is more than 15 months and also keeping in view the fact that the 10 prosecution witnesses examined till date have not named the applicant in their evidence to have involved in the said offence, 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