

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3705 of 2015

Roop Lal S/o Late Amar Sai Harijan, Aged about 40 years, Caste-
Harijan, R/o Banji Schoolpara, P.S.- Jhagrakhand, District- Korea,
Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through P.S.- Jhagrakhand, District- Korea,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent /State	:	Shri Ravindra Agrawal, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/07/2015

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 17.04.2014 in connection with Crime No. 09/2014 registered at P.S. Jhagrakhand, Dist. Korea for the offence punishable under Section 306 of IPC.

The first bail application of the applicant was rejected by this Court on merit vide order dated 09.07.2014 in M.Cr.C. No.3158 of 2014. While rejecting the first bail application the Court had considered the statement of the complainant and the other witnesses whose statements were recorded during the course of investigation.

Counsel for the applicant submits that along with the bail application he has enclosed the deposition of PW-1 Gulab Ram- brother of the deceased and PW-2 Baleshwar and PW-3 Khemraj - sons of the deceased who have not supported the case of the prosecution and they have been declared 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 opposes the application for grant of bail.

Taking into consideration the total facts and circumstances of the case, particularly the statement of PW-1, PW-2 & PW-3 who have not supported the prosecution case and turned hostile and also the fact that the applicant is in jail since 17.04.2014, this Court is of the opinion that it is a fit case where the present applicant can be released

on bail.

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