

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4921 of 2015

- Jokhan Das @ Bhandari S/o Jaiprakash, Aged About 24 Years R/o Village Baima, (Shaktipara) Thana Khadgawa, Distt. Koriya Chhattisgarh.

---- Petitioner

Versus

- The State Of Chhattisgarh Through Police Station Khadgawa, Distt. Koriya Chhattisgarh.

---- Respondent

For applicant	Mr. Parag Kotecha, Advocate
For Respondent /State	Mr. Bhaskar Pyasi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/09/2015

Heard.

(2) This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.119 of 2012 registered at Police Station Khadgawa for the offence punishable under Sections 294, 506 Part-II, 307 read with Section 34 and in alternative Sections 324/34 and 323/34 of IPC.

(3) The first bail application was dismissed on merits vide order dated 17.10.2012, however, liberty was reserved in favour of the applicant to revive his prayer after examination of the injured. The second bail application was dismissed on 23.04.2015, as on the said

date, the injured was not examined.

(4) The applicant, co-accused Gharbharan and Johan Das had allegedly assaulted injured Premlal by axe and club.

(5) Learned counsel for the applicant would submit that the applicant was arrested on 08.08.2012. Thus, he has suffered more than 3 years of pre-trial detention.

(6) Learned counsel for the State opposes the bail application.

(7) A perusal of the case diary would indicate that the injury caused by the applicant on the skull of the injured did not accompany any fracture. The injured has already been examined. The applicant is in jail since last more than 3 years.

(8) Considering the length of pre-trial detention of the applicant, this Court is inclined to release the applicant on regular bail. Accordingly, the bail application is allowed.

(9) The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

(10) Certified copy as per rules.

Sd/-

Judge

(Prashant Kumar Mishra)

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