

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3334 of 2016**

Shankar Yadav S/o Mohan Yadav, Aged About 60 Years R/o. Village Ranta,
P.S. And Tahsil Lundra, Civil And Revenue District Surguja (Chhattisgarh)

---- Petitioner

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station
Lundra, Civil And Revenue District Surguja (Chhattisgarh)

---- Respondent

For Petitioner	:	Smt. Hamida Siddiqui, Advocate
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/06/2016**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.21/2014 registered at Police Station Lundra, District Surguja for the offence punishable under Section 147, 148, 149, 294, 506, 323 & 307 of IPC. The applicant has been arrested on 07-07-2014.

3. This repeat application for grant of bail has been moved by the applicant on the ground that the person, on whom, the applicant alleged to have assaulted with an axe, has been examined in the Court and in the examination in chief, that witness Manik Prasad has named another co-accused as having assaulted him by an axe and according to his statement, the applicant gave only lathi blow on his hand. It is submitted that all the material witnesses, on whose allegations, the offence has been registered against the applicant, have been examined. It is submitted that the applicant is in jail since 07-07-2014 and that all other accused persons have been enlarged on bail. It is also submitted that in the event of grant of bail, the applicant is not likely to tamper with the

remaining prosecution witnesses or abscond.

4. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that earlier the bail application of the applicant has been rejected on the ground that Manik Prasad has stated in his diary statement that it is the applicant, who assaulted him on his head. He submits that though in the examination-in-chief, Manik Prasad has made allegation of assault on his head by another co-accused, he was declared hostile by the prosecution and he has accepted the suggestion of the prosecution that he was assaulted by the present applicant. It is lastly submitted that other material witnesses of the prosecution are yet to be examined and in the event of grant of bail to the present applicant, trial is likely to be affected adversely.

5. Other accused persons of the present crime have already been enlarged on bail. The applicant is in jail since 07-07-2014. Number of witnesses including Manik Prasad, on whom, the applicant is alleged to have assaulted, has also been examined. Without commenting upon the merits of the case, considering the aforesaid situation, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

Manindra Mohan Shrivastava

J U D G E