

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7617 of 2016

Jwala Dewar, S/o. Kewalchand Dewar, Aged About 27 Years, R/o. Dewarpara Abhanpur, Police Station Abhanpur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Abhanpur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. K.K.Dewangan, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/12/2016

1. This is second 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.15/2007 registered at Police Station- Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 147, 148, 149, 342 & 307 of Indian Penal Code. The first bail application was dismissed as withdrawn on 17.08.2016 in MCRC No.4550 of 2016.
2. Case of the prosecution, in brief, is that on 10.01.2007, the applicant alongwith other co-accused has assaulted the grandson of the complainant namely Videsh Dewar by way of Knife.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed on 17.08.2016. He further submits that there is an enormous delay in trial and the cause of delay is not available and no progress has

taken place in trial, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, on information received, he submits that the record of the original case has been seized by the High Court for inspection, therefore, there is some delay in trial.
5. Perused the case diary and the letter dated 07.06.2016. It appears that the case may take some time for hearing; therefore, taking into facts and circumstances of the case and considering the period of detention, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge