

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7575 of 2016

Akhil Jhariya, S/o. Ramdularey Jhariya, Aged About 27 Years, R/o. Ward No. 07, Kopebhatha, Gandai, Police Station- Gandai, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Gandai, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Suryakant Mishra, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28/02/2017

1. 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.90/2013 registered at Police Station- Gandai, District Rajnandgaon (C.G.) for the offence punishable under Sections 450, 397, 302, 201, 120-B, 342 of Indian Penal Code. The first bail application was dismissed on 21.12.2015 as withdrawn and the second bail application was dismissed on 19.07.2016.
2. As per the prosecution case, on 10.07.2013 the applicant alongwith others entered into the house of Umesh Janghel and thereafter committed murder of his wife and committed dacoity and taken away the ornaments.
3. Learned counsel for the applicant would submit that there is a delay in trial and the applicant is suffering with HIV positive, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the report from the Jail authorities, which shows that the applicant is suffering with HIV positive. Earlier on two occasion, the bail application was dismissed on 21.12.2015 & 19.07.2016. Considering the nature of allegation and the evidence available against the present applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed. However, taking into fact that the applicant is suffering from HIV positive, the State is directed to ensure that proper treatment be provided to the applicant in jail and if required he may be treated in proper HIV Cure Centre available in the State. Further, the Trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge