

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 435 of 2017

Prabhakar Singh S/o Late Dharamraj Singh, Aged About 45 Years
R/o Baikunthpur, Police Station- Baikunthpur, Tehsil- Baikunthpur,
Civil And Revenue District- Korea Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police
Station- Janakpur, District- Korea Chhattisgarh.

---- Respondent

For applicant - Shri Pramod Verma, Sr. Advocate with Shri Sumit
Verma, Advocate.

For Respondent/State –Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/02/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 23/11/2016 vide M.Cr.C. No.7257 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 103/2016 registered in Police Station Janakpur, Revenue District Korea, Civil District Korea (C.G.) for offence punishable under sections 394, 325, 427, 34 of Indian Penal Code, 1860.
3. As per the prosecution case, a report was lodged by one Ranu Shrivastava who is manager of Maa Chang Lodge, Janakpur that the applicant alongwith other co-accused Santosh Kujur, Puneshwar, Hemant entered into a dispute with the complainant over accommodation in the lodge as one of the rooms was already booked and on asking the ID of the accused, complainant Ranu was severely assaulted wherein he sustained fracture of his wrist and 4 teeth were broken. They have also

created havoc at the main counter of lodge and snatched the gold ring and mobile of the complainant.

4. Learned counsel for the applicant submits that this is the second bail application. Earlier bail application was dismissed on 23/11/2016. Thereafter, he referred to the order sheet and would submit that there is no progress in the trial and charge has not yet been framed, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the earlier rejection order dated 23/11/2016 as also the order sheet. Report of the State is also perused wherein it shows that JMFC has committed the case for sessions trial on 29/11/2016. Subsequently, it was sent to the Sessions Judge, Baikunthpur. Thereafter, it was transferred to Manendragarh Sessions Court and the next date of hearing is on 16/02/2017 for argument before charge. Taking into totality of this case, I do not find any exorbitant delay exist in this case to re-consider this second bail application on the ground of delay.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE