

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 733 of 2017

- Ramji S/o Sukhram, Aged About 58 Years R/o Surajpura, Tahsil- Bhatapara, District- Baloda Bazar- Bhatapara Chhattisgarh. ---
Applicant

Versus

- State of Chhattisgarh through the Police Station House Officer, Bhatapara (Gramin), Post Office- Bhatapara, District- Baloda Bazar- Bhatapara Chhattisgarh. ---
Respondent

For the applicant	:	Mr. Deepak Jain, Advocate
For the Respondent	:	Mr. D.R. Minj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.03.2017

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 233 of 2016 registered at Police Station Bhatapara (Gramin), Distt. Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 294, 506, 323, 307/34 of IPC.
2. As per the prosecution case, on 21.08.2016 a dispute arose over vacating the house and the applicant and other accused assaulted Shambhu, Madan and Manharan, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that this is third bail application; the first bail application was dismissed as withdrawn on 02.11.2016 and subsequently the second bail application was dismissed on 02.01.2017. Thereafter the maker of the FIR namely Pratibha and other witnesses namely Ferhin Bai, Brihaspati, Rameshwar have been

examined and they have not supported the case of prosecution and they have turned hostile. He further submits that the charge sheet has been filed and the present applicant is in jail since 22.08.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the maker of FIR Pratibha and other witnesses have not supported the case of prosecution.
5. Taking into fact that few of the witnesses appears to have not supported the case of prosecution, without any further observation on merits of the case, I am inclined to release the present applicant on bail, at this stage.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**