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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1741 of 2017

Pradeep Mishra, S/o. Late Basant Kumar Mishra, aged about 56 year, R/o. Patel Chowk, Nandi Chowk, Raipur, Police Station – Tikrapara, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vimlesh Bajpai, Advocate
For Respondent/State	: Mr. Vivek Singhal, Penal Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/03/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.500/2016, registered at Police Station – Tikrapara, Raipur, District – Raipur (C.G.) for the offence punishable under Section 307 of the Indian Penal Code. The first bail application was dismissed on 23.01.2017 in M.Cr.C. No.8615 of 2016.
2. As per the prosecution case, a report was made by one Rahul Chanekar that on 06.12.2016, he went when he called by the mother of Ku. Aditi Mishra, the present applicant, who is father of the girl assaulted him by way of knife, which was enough to cause his death. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the complainant and now the complainant and his mother Archana Chanekar have been examined and they have not supported the case of the prosecution, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the complainant and his mother have been examined and they have not supported the case of the prosecution.
5. I have heard the learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and taking into the fact that complainant and his mother have been examined and they have not supported the case of the prosecution, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge