

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4001 of 2017

- Vikramdas S/o Premdas Satnami, Aged About 19 Years R/o Village Bendarchi, Police Station Thaan Khamhariya, Tahsil Saaja, Civil & Revenue District Bemetara, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Thhankhamhariya, District Bemetara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. S.K. Verma, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2017

1. This is second 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. 70 of 2016 registered at P.S. Thaankhamhariya, Distt. Bemetara (C.G) for the offence punishable under Sections 307 of IPC.
2. The first bail application of applicant was dismissed on 03.10.2016.
3. As per the prosecution case, on 14.05.2016 a complaint was made by Bhagchand that over assaulting the cow both the parties entered quarrel whereby complainant Bhagchand and victim Pratap were assaulted by the applicant and co-accused Premdas by way of wooden stick and sword and tried to kill the victim.
4. Learned counsel for the applicant would submit that there are change of circumstances as the victim P.W.3 Bhagchand Deshlahre (complainant) and Pratap Singh Deshlahre have been examined and they have not supported the case of prosecution and they became hostile. He further submits

that the applicant is in jail since 15.5.2016 and may be released on bail.

5. On the other hand, learned State Counsel opposes the prayer. However, he do not dispute the fact that both the victim and complainant have not supported the case of prosecution.
6. Perused the statements of the Bhagchand Deshlahre and Pratap Singh and other witnesses. It appears that no allegations have been attributed to the present applicant. Considering the statements of these witnesses, without any further observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**