

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 833 of 2018**

Niraj Tiwari S/o Shri Shivam Tiwari Aged About 23 Years R/o Ramayan Chowk, Chantidih, Thana Sarkanda, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh ---- **Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, Tarbahar, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh ---- **Respondent**

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|----------------------|---|------------------------------|
| For Applicant        | : | Shri Achyut Tiwari, Advocate |
| For Respondent/State | : | Shri Majid Ali, Dy. G.A.     |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**23/02/2018**

Heard.

1. This is second application for grant of bail. Earlier first bail application was rejected by this Court vide order dated 28.11.2017 in M.Cr.C No.6128 of 2017.
2. The applicant has been arrested in connection with Crime No.227 of 2017 registered at Police Station- Tarbahar, District Bilaspur (CG) for the alleged commission of offence under Section 384, 294, 506-B, 324/34 of IPC.
3. Learned counsel for the applicant would submit that the other co-accused of this case has already been granted bail by this Court and though the applicant not the one who assaulted, his bail application was rejected by this Court taking into consideration that number of criminal cases are pending.
4. It is submitted that now the second application has been moved after more than three months as there is no satisfactory progress in the trial and except framing of charge, no further progress has been made in the trial and evidence is yet to begin.
5. Learned counsel for the applicant also submits that the applicant has been acquitted of two criminal cases. Therefore, at this stage, the applicant may

be granted bail.

6. On the other hand, learned counsel for the State opposes and submits that as the bail application was rejected on 28.11.2017 on considerations of merits of the case, the applicant may not be granted bail.
7. Having considered the submission of learned counsel for the parties, particularly taking into consideration that this Court granted bail to Javed Alam co-accused, who has alleged to have inflicted injury and the applicant has repeated bail application after more than 3 ½ months, there is no material progress in the trial and also that the applicant is acquitted in other criminal cases, the application is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
  - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
  - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
Judge