

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1428 of 2018**

- Ramjanam Patel S/o Radheshyam Patel Aged About 38 Years R/o- Village Kailashpur P.S. Basantpur District- Balrampur- Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Police Basantpur, District- Balrampur, Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate
For Respondent-State	:	Shri Adhiraj Surana, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/03/2018**

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 31/2016 registered at Police Station- Basantpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 147, 294, 341, 323 & 307 of Indian Penal Code.
2. The first bail application was dismissed on 19.12.2016 on merit in MCRC No.8029 of 2016. The second bail application bearing M.Cr.C. No.2855/2017 was dismissed on 04.05.2017.
3. Case of the prosecution, in brief, is that a report was made by one Krishna Patel on 23.03.2016 alleging that he was going with Shiv Lal in a motorcycle and because of old enmity, the applicant along with other accused persons stopped them, thereafter, assaulted them by way of club, whereby severe

injuries were inflicted, which was enough to cause death. Thereby, the offence has been committed.

4. Learned counsel for the applicant would submit that the applicant is in jail since 30.03.2016 and no evidence has yet been recorded. He would further submit that the document would show that the victims they themselves have stated that it is an accident and there was no intention of the applicant to kill them, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have perused the case-diary and the documents. Considering the fact that the applicant is in jail since 30.03.2016 and still the evidence has not commenced. Considering the same and the detention of the applicant, I am inclined to release the applicant on bail.
7. Accordingly, the 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. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu