

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3115 of 2018**

- Kamal Kishore S/o Shri Kripasindhu Panda Aged About 27 Years R/o Village Bundeli, Tahsil And Police Station Baramkela, (Wrongly Mentioned Sarangarh), District Raigarh, Civil And Revenue District Raigarh Chhattisgarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate , Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicants	: Mr. Arun Kochar, Advocate
For State/respondent	: Mr. Ashok Swarnkar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2018**

1. This is the second bail application filed on behalf of the applicant.
Earlier bail application of this applicant bearing M.Cr.C. No.610 of 2018 has been dismissed as withdrawn vide order dated 3.4.2018.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.43/2017, registered at Police Station-Baramkela, District-Raigarh(C.G.) for the

offence punishable under Section 307/34 & 201/34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 9.7.2017. Out of 18 witnesses, 10 witnesses have already been examined during trial in the prosecution list. The main witness that is injured Ruchir Naik is not turning up before the Court for his examination because of which the trial is getting prolonged, hence, it is prayed that he may be released on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that there is clear evidence of eyewitness against this applicant, hence, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to prosecution case on the date of incident this applicant assaulted the victim Ruchir Naik with blunt side of axe causing him depressed fracture on his skull and other simple injuries on his body. Hence, this case.
7. After due consideration on all the material present in the case diary and also looking to this fact that the main witness is not appearing before the concerned Court because of which the trial is getting delayed, for this reason, I am of this view that this is a fit case where the applicant should be released on bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha