

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3849 of 2018

Ritesh Mishra S/o Vijay Kumar Mishra, Aged About 26 Years R/o
Dariyapur, Post Samaspur, District- Pratapgarh (U.P.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station
Konta, District- Sukma, Chhattisgarh.

---- Respondent

For applicant - Shri Awadh Tripathi, Advocate.
For Respondent/State –Smt. Madhunisha Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/07/2018

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.25/2014 registered in Police Station Konta, Distt. Sukma (C.G.) for offence punishable under sections 458, 459, 307 of IPC.
2. As per the prosecution case, on 30/10/2015 the applicant entered into house of the victim, thereafter when he was spotted by the children and nephew assaulted them by way of knife.
3. Learned counsel for the applicant submits that the applicant went with the consent of the victim in the house, when he was seen and objected the incident happened. It is further stated that the victim and the witnesses have not turned up despite service of the summons and nature of injury is not fatal, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Order sheet of the court below which is placed would show that on 16/05/2018 R. Rashmi, Poonam Vijay and Tulsi Devi were though served but did not turn up same continued upto 18/05/2018. Subsequently, on

18/07/2018 also shows that witnesses Poonam Vijay, R. Rashmi and Tulsi Devi though were served have not turned up which continued upto 20/07/2018. Thereafter again case is fixed for 14/09/2018 to 18/09/2018. It appears that despite service witnesses are not turning up in this case, applicant is in jail since 12/01/2018, taking into nature of the case, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE