

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5461 of 2018

- Jaykant Nayak S/o Shri Suraj Nayak Aged About 24 Years R/o Gram Budeli, Police Station And Tahsil Baramkela, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer P.S.Baramkela, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Renu Kochar, Advocate
For State	:	Shri Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2018

This is second application for grant of bail. First application was rejected on 06/12/2017.

1. Case of the prosecution is that the victim was assaulted by an axe and the applicant caught hold of the victim.
2. Learned counsel for the applicant submits that in the changed circumstances, that till date, during trial, the alleged victim – Ruchir Naik has not turned up to depose and that the applicant is in jail since 09/07/2017 and the other accused who is alleged to have given assault has been granted bail on 16/07/2018 in MCRC No.3115/2018, the applicant may also be granted bail.
3. On the other hand, learned State counsel, however, opposes prayer and submit that looking to the role alleged to be played by the applicant and the nature of injury sustained by the victim, the bail application was earlier rejected by this Court. Therefore, this application may also be rejected.

4. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant has remained in jail since 09/07/2017, trial has not been concluded, victim – Ruchir Naik is not turning up for giving his evidence before the Court and that the other co-accused Kamal Kishore who is alleged to have assaulted the victim has been granted bail by this Court in MCrC No.3115/2018, I am inclined to grant bail to the applicant.

5. Accordingly, the application is allowed. 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 one local surety 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