

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5761 of 2018**

- Abhishek Soni @ Kartik Soni S/o Shri Gopal Soni Aged About 18 Years
Occupation- Labourer, R/o- Gandhi Nagar Kalibadi, Police Station- City
Kotwali Raipur, Tahsil & District Raipur, Chhattisgarh Mobile
No.9179533953

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station City
Kotwali, Raipur, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri C.R.Sahu, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/08/2018**

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 19.03.2018 in connection with Crime No.80/2018 registered at Police Station City Kotwali, Raipur, District Raipur (CG) for the offence punishable under Section 307 IPC.
2. The first bail application bearing M.Cr.C. No.4378/2018 was dismissed on 02.07.2018.
3. As per the prosecution case, on 17.03.2018 the applicant stabbed one Murli

Soni on the basis of the previous enmity and the injury was sufficient to cause his death. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that the complainant namely Murli Soni (PW-4) has been examined and he has not supported the case of the prosecution and no other primary evidence would be required and the main complainant has been examined in this case, therefore, the applicant may be enlarged on bail.
5. Learned State counsel do not dispute the fact that the complainant Murli Soni, who is the victim, has turned hostile.
6. Perused the statement of the complainant Murli Soni (PW-4), it appears that he has not supported the case of the prosecution. Considering the same, without any observation on merits, I am inclined to release the applicant on bail.
7. Accordingly, the bail 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