

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7581 of 2018**

- Y. K. Soloman S/o Shri Y.K. Sangba Aged About 35 Years Central Reserve Force 227 Battalion Jagadapur Chhattisgarh. Permanent R/o 9th Affron Senapati (Wrongly Mentioned As Nenapati In The First Bail Order) Manipur

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer Police Station Ambikapur District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/10/2018**

1. This is the Fourth 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 08.08.2016 in connection with Crime No.419/2016 registered at Police Station Ambikapur, District Surguja(CG) for the offence punishable under Sections 294, 323, 506, 302/34 IPC.
2. The first bail application bearing M.Cr.C. No.7491 of 2016 was dismissed on 28.11.2016. The second bail application bearing M.Cr.C. No.4661 of 2017 was dismissed on 26.07.2017 and the third bail application bearing M.Cr.C. No.7398 of 2017 was dismissed on 05.12.2017.
3. As per the prosecution case, a dispute took place between complainant Sanjay Singh and the applicant who are in CRPF where the altercation further

aggravated. It is alleged that the applicant and other accused have assaulted complainant Sanjay Singh on 02.08.2015 by kicks as a result of which complainant sustained head injury. Thereafter he was hospitalized at different places and ultimately during the course of treatment he died on 11.10.2015. The reason of death was shown as head injury and multiple pathology which would be caused due to complications of head injury.

4. Learned counsel for the applicant submits that till today the trial has not been concluded and the statement of the witnesses would show that the deceased was admitted to the hospital after two months and died because of the liver disease. He further submits that the trial Court was directed to expedite the trial while the third bail was rejected on 05.12.2017 but the trial has not concluded yet, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Considering the fact that the trial has not been concluded till date as it has been stated that out of 30 witnesses only 11 witnesses have been examined and the applicant is in jail since 08.08.2016, 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