

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7832 of 2018

Ganesh Ram Sarthi S/o Kashi Ram Sarthi Aged About 32 Years R/o
Village- Lodhiya, Police Station- Baramkela, District- Raigarh,
Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station- Sariya, District- Raigarh, Chhattisgarh --- **Respondent**

For the applicant	:	Miss Sharmila Singhai, Advocate.
For the Respondent	:	Mr. D. R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.11.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.129/2017 registered at Police Station Sariya, District Raigarh (C.G) for the offences punishable under Sections 307 & 397 of IPC.
2. As per the prosecution case, the applicant slept in a shop along-with injured Pankaj Sahu and in the night, the applicant assaulted him by way of Axe on his head and has taken away the amount of Rs.7000/- and the injury caused to the victim was enough to cause death.
3. Learned counsel for the applicant submits that according to the victim, while the assault was made on him in the night he has not identified the applicant as the victim was asleep therefore the identification has been totally destroyed by the victim. It is further submitted that the applicant is in jail since 27.10.2017 and there is no progress in trial as out of 17 witnesses, 09 witnesses have been examined, therefore, the

applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. A perusal of the rejection order of the Court below shows that the victim was turned hostile. Considering the same without any observation on merits of the case which is for the trial Court to evaluate the entire evidence and the fact that prima-face it is recorded that the victim was turned hostile and the applicant is in jail since 27.10.2017, I am inclined to allow this bail application.
6. 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 concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**