

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7983 of 2018

- Rakesh Singh Thakur S/o Vimla Singh Thakur, Aged About 32 Years, R/o Kharkachak, Police Station - Vishnupad, District Gaya Bihar, District : Gaya, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

12-12-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14-03-2017 in connection with Crime No.66/2017 registered at P.S. - Kota District Bilaspur, Chhattisgarh for the offence under Section 341, 294, 302, 302/34, 324, 324/34, 506(Part-2), 506(Part-2)/34 of the IPC and Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted by learned counsel for the applicant that this is third bail application filed by the applicant before this Court. His first bail application, MCRC No.3940/2018 was dismissed as withdrawn and thereafter second bail application, MCRC No.5614/2018 was filed by this applicant for grant of regular bail, which was again withdrawn by the applicant, in which this Court had issued direction to the trial Court to conclude the trial within two months. But, the trial against the applicant has not been concluded so far. In another development that has arisen is this, that presiding officer of the Court is transferred and the Court is lying vacant. It is submitted that the applicant has been falsely implicated in this case. He is in jail since 14-03-2017. The

allegation against this applicant is this, that he has assaulted Faguram with club causing injuries on back, waist and knee of the deceased on 14-03-2017. The deceased died on 17-03-2017 and the postmortem report shows that cause of death of the deceased is some head injury, regarding which there is no allegation made by the deceased or any other witness. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence regarding assault made by this applicant on the deceased, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case of prosecution is this, that on 14-03-2017 between 10 to 11 a.m. this applicant who happens to be Manager of country liquor shop of Takhatpur, met with the deceased Faguram and a dispute arose between them. It is alleged that this applicant assaulted the deceased with club causing him injuries on his back, waist and knees. The deceased died on 17-03-2017. Hence, the case has been registered against this applicant.

6. On perusal of the case diary, in the first MLC conducted of injured Faguram who is now deceased no injury was reported on his head. Also, after perusing the statement of the witnesses in this case, I am of this opinion that this is a fit case for grant of regular bail to the applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge