

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8617 of 2018

- Kishmat Ram Patel S/o Jailal Patel Aged About 24 Years R/o Village-Dhod, Post Office And Police Station-Khallari, District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Khallari, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikash Pradhan, Advocate
For State	:	Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/12/2018

Heard.

This is a repeat bail application. Earlier, bail application was rejected by this Court.

The repeat bail application has been considered in exercise of liberty granted earlier that in case, trial is not concluded within six months, the applicant may revive his bail application.

1. The applicant has been arrested in connection with Crime No.83/2017 registered at Police Station- Khallari, District - Mahasamund (C.G.) for alleged commission of offence under Section 306 of IPC.

2. Learned counsel for the applicant submits that the applicant is in jail since 24/05/2017 and despite 1½ years of detention, the case has not been concluded and number of witnesses are yet to be examined. Learned counsel for the applicant placed before the Court certified copy of the order sheets to demonstrate that for delay, the applicant cannot be held responsible.

3. Though learned State counsel opposes prayer for grant of bail on the ground that it was rejected on merits, having considered that till date, trial has not been concluded and that the applicant has already undergone more than 1½ years of imprisonment, I am inclined to grant bail to the applicant.

4. 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