

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 799 of 2019**

Shailendra Kumar Bande S/o Chaitram Bande Aged About 27 Years R/o
Kukari Pond, Behind Railway Station, Power House Road, Gudhiyari,
Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Grp Raipur
District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri D. Kushwaha, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/02/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application of applicant was rejected by this Court on 06/10/2018 in MCRC No. 6186 of 2018 prima facie considering the material which was available on record.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.100/2017 registered at Police Station GRP, Raipur, District Raipur (C.G.) for the offence punishable under Sections 294, 324, 506, 307 of IPC.
3. Case of the prosecution, in brief is that on 03/05/2017 at about 20.30 hours near the garden at Railway Station, Raipur, the applicant abused complainant Kishan Lal Jangde, caused the injuries on left side ribs, left arm and right hand by spring knife. As per the MLC report of the complainant one incised wound was found on left side of the chest. Radiologist opined that there was a fracture of 6-7 ribs on left side. Doctor also opined that if the complainant would not get immediate medical treatment, then he would die.
4. Counsel for the applicant submitted that in the case in hand complainant Kishan Lal Jangde has been examined by the trial court and he did not support the prosecution case and turned hostile, thus he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. As per the certified copy of the statement of the complainant Kishan Lal Jangde which is part of the bail application recorded by trial Court, he turned hostile and stated that he had not seen applicant at the time of incident. Due to these facts now circumstances have been changed. Said facts are sufficient to enlarge the applicant on bail in the second round. Accordingly bail application is allowed.
7. Looking to the facts and circumstances of the case, it is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde