

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 973 of 2019**

- Vikas @ Vikki Sahu S/o Late Yashwant Kumar Sahu Aged About 22 Years Permanent R/o Village Tekari, (Mandhar) ,police Station Vidhansabha Raipur District Raipur Chhattisgarh. Presently R/o Ashok Nagar ,gudiyari Police Station Gudiyari Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate ,Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Mayank Chandrakar, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

20.02.2019

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 06.10.2018 in MCRC No. 5884 of 2018 considering the prima facie case against the applicant. The second bail application of the applicant was dismissed by this Court on 09.01.2019 in MCRC No. 9372 of 2018 for want of prosecution.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No. 264/2018 registered at Police Station Pandari (Mova), Raipur District Raipur (C.G.) for the offence punishable under Sections 307 of IPC and Sections 25, 27 of Arms Act.
4. Case of the prosecution, in brief is that on 20.04.2018 near the foreign liquor shop, Mova, Raipur at about 7:30 pm on account of previous enmity the applicant caused injury on right abdomen by the knife to complainant Shiv Prasad Verma.
5. Learned counsel for the applicant submitted that in the case in hand complainant Shiv Prasad Verma has been examined by the trial Court and he turned hostile, thus, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application and submits that there is one criminal case registered against the application under IPC.
7. As per the certified copy of the statement of the complainant Shiv Prasad Verma recorded by the trial Court on 09.01.2019 which is part of the bail application he turned hostile in the trial Court and had stated that some unknown person caused injury on his abdomen by knife. He had further denied suggestion that applicant had caused injury on him by knife.
8. On account of these facts now circumstances have changed. These facts are sufficient to enlarge the applicant on bail in third round of litigation.
9. Accordingly, 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 Trial Court with the condition that he will 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE