

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.1097 of 2019**

Ved Prakash S/o Bhaiyaram Devdas Aged About 21 Years R/o Near Malsay Talab, Ram Janki Bhawan, Kushalpur, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Purani Basti, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-Applicant

For Applicant:	Shri YC Sharma, Advocate.
For State/Non-Applicant:	Shri Vimalesh Bajpai, Government Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

25.02.2019

1. This is the 2nd bail application. The 1st bail application was dismissed as withdrawn with the liberty as mentioned therein vide order dated 05.02.2019 passed by this Court in M.Cr.C No.10016/2018. The Applicant has filed this application under Section 439 Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C') for grant of regular bail as he is in custody since 03.10.2018 in connection with Crime No.256/2018 registered at Police Station –Purani Basti, District Raipur (CG) for the offence punishable under Sections 307/34 IPC and under Sections 25 & 27 of Arms Act.

2. The case of the prosecution is that on 26.09.2018, at about 10.30 p.m, when injured Pratap Kumar Barua was watching procession of Lord Ganesha along with his friends, at that particular time, one Golu @ Ved Prakash, the present Applicant along with others reached there and attacked him with a

knife, as a result of which, he sustained four lacerated wounds and was immediately hospitalized. Based upon the said incident, offence as mentioned above has been registered by the concerned police station.

3. Learned Counsel for the Applicant would submit that the present Applicant is innocent and has been falsely implicated in the instant case as his name was not mentioned in the F.I.R. He submits further that though his name was disclosed at the time of recording the statement under Section 161 Cr.P.C, but he is not at all involved in the said crime. He further submits that during trial, Complainant Prakash Barua as well as eye-witness namely Mahesh Dhruw @ Michael and injured Pratap Kumar Barua were examined but they have not supported the case of the prosecution. Therefore, the present Applicant, who is in jail since 03.10.2018 may be released on bail.

4. On the other hand, learned counsel for the State while opposing the prayer for bail, submits that although the name of the present Applicant is not mentioned in the F.I.R, but his involvement was found in the said crime during recording of statement of Complainant under Section 161 Cr.P.C. He submits further that as the evidence of aforesaid witnesses would be considered by the trial Court at the time of final hearing, therefore, the same is not required to be looked into, at this stage. As such, the application for bail is liable to be rejected.

5. I have heard learned Counsel for the parties and perused the case diary carefully.

6. Having considered the facts and circumstances of the case, considering further the statements of Complainant Prakash Barua (PW-2), eye-witness Mahesh Dhruw @ Michael (PW-3), injured Pratap Kumar Barua (PW-6) as also considering the fact that another eye-witness namely Ankit Pandey has

been given-up by the prosecution on 10.01.2019, I am inclined to release the Applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/-

(Sanjay Agrawal)
Judge

Priya