

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3835 of 2019**

- Nan Singh Korva S/o Dipan Singh Korva Aged About 45 Years R/o Village-Gahaniya Baigapara, Police Station- Balconagar, District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station-Balconagar, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Shri Dharmesh Shrivastava, Advocate.
For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**19/09/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 312/2017, registered at Police Station – Balconagar, District - Korba, (C.G.) for the offence punishable under Sections 458, 302, 307, 34, 459, 460 of Indian Penal Code.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after examination of Kunjal Kanwar and other material witnesses vide order dated 09.05.2019 passed in MCRC No. 2377/2019.
3. In this case there are three accused persons. Name of the deceased is Bablu @ Bahattar Rathiya. As per the prosecution story, on 04.12.2017, sister of the deceased namely Ramila Rathiya lodged a

report (Dehati Nalsi) stating that around 4:00 a.m. when her brother Bablu (deceased), her sister-in-law Rajkumari and one Agni Bai were sleeping in the house, allegedly, some unknown person entered into the house and assaulted all of them, due to which Bablu died and Ramkumar and Agni Bai sustained injuries. On the basis of the said, F.I.R. has been registered against unknown persons. During course of investigation, on the basis of memorandum statement of the present Applicant, one iron rod has been seized from possession of present Applicant. Statement of witnesses were also recorded. Applicant has been arrested on 05.12.2017.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that there is no eye-witness in this case. One of the material witnesses namely Kunjal Kanwar has already been examined before the trial Court and he has not supported the case of the prosecution. It is further submitted that, only evidence available against present Applicant is that, prior to one week of the incident, the Applicant and co-accused had a quarrel with the deceased. Apart from this, no any direct evidence is available against the present Applicant. The Applicant is in custody since 05.12.2017 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.

7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 05.12.2017 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge