

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4271 of 2019**

- Khir Sindhu Soni S/o Pooran Lal Soni, Aged About 38 Years R/o Village Ghumarguda, Police Station - Deobhog District - Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Deobhog District - Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant	: Md. Afroz Athar, Advocate.
For Non-applicant	: Shri D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.08.2019

1. This is second 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 05.02.2019 in MCRC No. 9682 of 2018 considering the prima facie case against the applicant.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No. 111/2018 registered at Police Station Deobhog, District- Gariyaband, (C.G.) for the offence punishable under Sections 302, 201, 149 of IPC.
4. Case of the prosecution, in brief is that on 04.08.2018 Sarpanch of village Ghumarguada informed police station Deobhog that dead body of the deceased Dhavleshwar alias Dhovleshwar is lying in his house. He has died 3 to 4 days ago. As per the post mortem report, the doctor opined that death of the deceased is homicidal in nature. Injury was found on the head of the deceased. On the memorandum of applicant, one iron rod was seized from his possession.
5. Learned counsel for the applicant submitted that in the case in hand, five

witnesses including Investigating Officer have been examined, they did not support the prosecution case. As per the memo of arrest applicant is not a dangerous person and there is no possibility of the tampering the evidence, further detention of the applicant is not necessary, 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 antecedent against the applicant under Section 376 IPC registered against the applicant.
7. As per RFSL report no blood stains were found on the allegedly seized iron rod. This circumstance is itself sufficient to say that now the circumstance has changed which is sufficient to enlarge the applicant on bail in the second round of litigation.
8. Consequently, 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE