

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4683 of 2019**

- Khanna Sahu S/o Sanat Sahu Aged About 20 Years R/o Village Tarenga, P.S. Bhatapara (Gramin), Tahsil Bhatapara, District Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Bhatapara (Gramin), Police Station Bhatapara, District Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant	: Shri B. Madhava Rao, Advocate.
For Non-applicant	: Shri Dinesh Kumar Tiwari, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22.08.2019

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 18.04.2019 in MCRC No. 2107 of 2019.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No. 44/2019 registered at Police Station Bhatapara (Gramin) District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 294, 506, 323, 307, 34 of IPC.
4. Case of the prosecution, in brief is that on 28.01.2019 at about 3:00 pm at village Kulipota, coaccused Chandu Sahu, Sanad Sahu caught hold complainant Mannu Yadu, co-accused Chandu Sahu beat him, applicant caused injury on his head by iron rod. As per the MLC report of complainant two lacerated wounds were found on his occipital region caused by hard and blunt object. As per the query report doctor stated that if he could not have received treatment in proper time then he might have died.
5. Learned counsel for the applicant submitted that charge sheet has been filed, 5-6 prosecution witnesses including complainant have been examined and they did not support the prosecution case. Applicant is in jail for last 7 months,

thus he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in the police case diary.
7. As per the true copy of the statement of the complainant P.W.2 Mannu Yadu, he stated in examination in chief that accused have not committed any thing with him. He did not support the prosecution case, he turned hostile. These circumstances are sufficient to enlarge the applicant on bail in 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 Court with the condition that he will appear before the concerned 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