

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5310 of 2019

- Manoj Markam @ Mannu S/o Ishwar Singh Markam Aged About 21 Years R/o Village Parsa Gondpara Police Station And Tahsil Ambikapur, District - Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali Ambikapur, District - Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Sumit Singh Rathore, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.09.2019

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 09.01.2019 in MCRC No. 9363 of 2018 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 314/2018 registered at Police Station – Kotwali, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
4. Case of the prosecution, in brief is that on 14.06.2018 in front of Lord Shankar Temple in village Parsa applicant assaulted complainant Pitamber Minz by crowbar. Said complainant resisted by his left hand, his left hand cut down from the elbow.

5. Counsel for the applicant argued that FIR is delayed by 13 days, applicant is in jail since 12-07-2018, alleged incident took place on sudden waig, thus applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. The delay in FIR and the detention period of the accused are considerable factors for deciding the bail application but equally it is also true that gravity of offence, seriousness of offence, impact of granting bail on society are more important and considerable factors for disposal of the bail application.
8. This is well settled legal position that while dealing with the bail application defence cannot be looked into.
9. Looking to the facts and circumstances of the case, looking to the prima facie materials available on record against applicant, looking to the gravity of the offence, looking to the seriousness of the offence, looking to the impact of granting bail to the accused on society, this Court finds that in the case in hand delay in FIR, detention period of the applicant are not themselves sufficient to enlarge him on bail in second round of litigation, consequently, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE