

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6250 of 2019**

Chaman Das Manikpuri, aged about 18 years, S/o Tikeshwar Das Manikpuri,
R/o Village Katagi, P.S. Kasdol, District Baloda Bazar Bhatapara (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, P.S. Kasdol, District
Baloda Bazar Bhatapara (CG).

---- Non-applicant

For Applicant	: Mr. Hemant Gupta, Advocate
For Non-applicant	: Mr. Dinesh Kumar Tiwari, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

21.10.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.390/2018 registered at Police Station Kasdol, Revenue and Civil Baloda Bazar Bhatapara for the offence punishable under Section 307 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 13.11.2018 passed in M.Cr.C. No.6741/2018 considering the prima facie case against him.
3. Prosecution story in brief is that on 11.08.2018 at about 8:30 p.m. applicant caused injury on the abdomen of the complainant by knife. As per MLC report, one stab injury was found on the abdomen of the complainant of size 4cm x 4cm x 8cm, injury was grievous in nature. The intestine of the complainant was exposed.
4. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the case. He further

submitted that the applicant is in jail since 12.08.2018. There is a delay in trial, out of 13 prosecution witnesses, only 04 prosecution witnesses have been examined before the trial Court. In MLC report, it has not been mentioned that intestine of the complainant was exposed. He further submitted that the applicant is brother-in-law of the complainant.

5. Counsel for the State opposed the bail application.

6. No doubt that detention period and delay in trial are considerable factors for disposal of the bail application, but equally it is also true that other circumstances like gravity of the offence and impact of granting bail to the applicant on society are also important and material factors for disposal of the bail application.

7. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant be released on bail in the second round of litigation. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible from the date of receipt of certified copy of this order.

8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-