

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 9777 of 2018**

Vidyanand Rathore S/o Ram Ratan Rathore Aged About 28 Years R/o Village Sapia , Tahsil Malkharoda ,police Station Dabhra ,distrcit Janjgir Champa Chhattisgarh, Civil And Revenue District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For petitioner	:	Mr. B. D. Guru, Advocate.
For State	:	Mr. Rahul Mishra, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/01/2019

1. The present is a third round of bail application. The earlier bail applications stood rejected by this Court on 02/05/2018 and 30/08/2018. The present bail application has been filed after most of the material witnesses have been examined. Counsel for the applicant referring to the two Doctors who have been examined the prosecution submitted on the evidences of the doctor it appears that the petitioner has not died of the injury which the deceased received from the fight which the applicant and the other accused persons had with the deceased. Referring to the evidences, counsel for the applicant submits that plain reading of the deposition would itself reveal that the both the doctors have categorically stated that the injuries found on the body of the deceased were not fatal enough to cause his death. PW-1 Lalita Rathia has gone to the extent of stating that all the injuries sustained were infact simple in nature. It is also the contention of the petitioner that PW-6 who has been examined subsequently also has substantially supported the case of the prosecution. The contention of the petitioner is also that the petitioner has already remained in custody for a period of about 16 months and considering the period of custody undergone he should be released on bail.

2. The State counsel on the contrary opposing the bail application submits that the subsequent to the rejection of the bail application on two occasions by this Court on merits there has been no substantial change in the circumstances which deserves reconsideration of his bail application. State counsel drawing the attention of the Court to the gravity of the offences prayed for its rejection.

3. Given the facts and circumstances of the case and taking note of the period of custody undergone and the statement of the two doctors particularly the nature of injuries found on the body of the deceased, this Court is of the opinion that prima facie the case for grant of bail has been made out. Accordingly, the bail application is allowed.

4. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit