

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 120 of 2020**

Umashankar Ghritlahre S/o Late Jagannath Ghritlahre Aged About 33 Years R/o Dashama Road, Balodabazar, Police Station And District Balodabazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Vidhansabha, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Y.C. Sharma and Shri Sachin Nidhi, Advocates
For the State	:	Shri Praveen Shrivastava, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/01/2020**

1. This is the second bail application under Section 439 of the CrPC. Earlier his first bail application was rejected by this Court vide order dated 16/07/2019 passed in MCRC No. 2259/2019 considering *prima facie* case against him.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.395/2018 registered at Police Station Vidhansabha, District Raipur (C.G.) for the offence punishable under Sections 302, 120B, 201/34 of IPC.
3. Case of the prosecution, in brief is that on 27/10/2018 the dead body of deceased Parmanand Chaturvedi alias Pappu was found near canal in village in injured condition. As per the postmortem report death of the deceased was homicidal in nature and cause of death was hemorrhage and shock of neck injury. On the memorandum of applicant, one knife having blood like stains and cash Rs. 47,000/- were seized from him. As per the RFSL report blood was found on the alleged seized knife.
4. Counsel for the applicant argued that in the case in hand two independent witnesses of memorandum and seizure have been examined in trial Court and they turned hostile and did not support the

prosecution case, thus applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents has been reported against the applicant in the police case diary.
6. Though in the case in hand independent witnesses of memorandum and seizure have been examined in trial Court they turned hostile and did not support the prosecution but yet investigating officer is to be examined.
7. Mere becoming hostile of independent witness is not sufficient ground to enlarge accused on bail.
8. It is true that detention period of the accused and delay in trial are material factors for disposal of the bail application of the accused but equally it is also true that seriousness of the offence, impact of granting bail to accused on society are more important and material factors.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where applicant may release on bail in second round of litigation. Consequently, second bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge