

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1050 of 2020

- Bhupendra @ Chhotu Baghel, S/o Late Bhojo Baghel, Aged About 22 Years, R/o Near Sheetla Mandir, Bhawani Nagar, Telibandha, Raipur, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Vidhan Sabha, District-Raipur, Chhattisgarh.

---- Respondent -

For Applicant	:	Mr. Praveen Das, Advocate.
For Respondent/State	:	Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/02/2020

1. This is second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His 1st application bearing MCRC No.5083/2019 was dismissed vide order dated 4.9.2019.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.309/2018 registered at Police Station– Vidhan Sabha, Raipur, District–Raipur(C.G.) for the offence punishable under Section 302/34 of the IPC.
3. Learned counsel for the applicant submits that development that has been taken place in between is this, that about 14 witnesses have been examined. The only eyewitness in this case has though identified the applicant in Court, but the police has not conducted any Test Identification Parade(TIP) for the identification of the applicant. Another development is this, that the co-accused persons have been granted

bail by the co-ordinate Bench of this Court. Hence, it is prayed that the applicant be granted regular bail.

4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that after rejection of application of applicant on merits, the merits cannot be reconsidered. The case of the co-accused persons who have been granted bail is different as the applicant has been recognized as the main assailant, therefore, he is not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. There is no need to reconsider the material against the applicant. The present situation is this, that the applicant is in jail since 30.8.2018 and the trial has still not concluded and there are still about 9-10 witnesses to be examined by the trial Court, who are not turning up before the Court despite service of summons on them, therefore, looking to the delay in the conclusion of trial and also that the co-accused persons have been granted bail by the co-ordinate Bench of this Court, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge