

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2992 of 2020**

Rakesh Banchhor S/o Sudarshan Banchhor Aged About 29 Years R/o Village And Post - Saraipali, Thana And Tahsil - Saraipali, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Saraipali, District - Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Animesh Tiwari, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.06.2020**

Heard.

1. This is the third bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 10.7.2019 and the second bail application was again dismissed by this Court on 21.1.2020 with a direction that in case the trial against the applicant is not concluded within three months then the applicant shall have liberty to file an application for grant of bail. The applicant has been arrested in connection with Crime No.9 of 2019, registered at Police Station – Saraipali, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 307/34, 120B and 511 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.1.2019 and has been falsely implicated in this case. The trial against the applicant is still not concluded, however, it has come to stand still because of the lock-down. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is the main accused and the seizure of firearm has also been made from his possession. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant and the other accused person had acquaintance with the complainant in which this applicant fired a pistol on the victim causing him injury in his hand regarding which, the FIR has been lodged.

6. After considering the fact that the applicant is in jail since about more than one year and the trial against him has not made any satisfactory progress during the period of detention, I am of this view that it would be proper to release the applicant on regular bail during the pendency of the trial, hence, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge