

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3434 of 2020**

- Parmeshwar Sahu S/o Late Shri Khorbahra Sahu Aged About 40 Years
R/o Gram Village Dhowrabhatha, P.S.- Hirri, District- Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer In Charge, P.S. Hirri, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Achyut Tiwari, Advocate.

For Non-applicant : Shri Dinesh Tiwari, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.07.2020**

1. This is fourth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 02.05.2019 in MCRC No. 2569 of 2019 considering prima facie case against him, his second bail was rejected by the Registry on 11.11.2019 due to non compliance of the order of this Court dated 23.10.2019 passed in MCRC No. 6894 of 2019 and his third bail application was withdrawn, order was passed on 13.12.2019 in MCRC No. 7876 of 2019, the direction was given by this Court to the trial Court to expedite the trial and dispose off the case as soon as possible.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.27/2019 registered in Police Station Hirri,

Bilaspur, District Bilaspur for the offence punishable under Sections 294, 323, 506, 307, 34 of Indian Penal Code.

4. Case of the prosecution, in brief, is that on 04.02.2019 between 10:30 p.m. to 11:00 p.m. at village Dhowrabhatha a quarrel was happened in the house of complainant Harprasad Sahu. Applicant and co-accused were abusing complainants Bhukhin Bai and Narendra Kumar. They were beating them by hands and fists. When complainant Harprasad Sahu intervened them, applicant and co-accused abused him and gave threat to kill. Applicant caused injury on his head by blunt side of spade. As per MLC report of complainant Harprasad Sahu, one lacerated wound was found on his fronta parietal region. As per CT report of complainant Harprasad Sahu, depressed skull fracture was noted. As per query report, the doctor opined that due to injury complainant Harprasad Sahu could have died.

5. Learned counsel for the applicant argued that the applicant is in jail since 26.02.2019. As per the instructions given by the party 2-3 witnesses are to be examined. The trial is delayed. Looking to the present scenario early conclusion of the trial is not possible, hence, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.

7. This is true that the detention period of the accused and delay in trial are material factors for the disposal of the bail application filed by the accused but equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important factors for the disposal of the bail application filed by the accused.

8. In the present scenario responsibility cannot be imposed upon the

trial Court regarding delayed trial.

9. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be enlarged on bail in fourth round of litigation, consequently, the present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE