

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3555 of 2020**

- Manoj Markam @ Mannu S/o Iswar Singh Markam Aged About 21 Years R/o Village Parsa Gondpara, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Sumit Singh Rathore, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.08.2020**

1. This is third 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 has been rejected by this Court on 03.09.2019 passed in MCRC No. 5310 of 2019 considering the prima facie case against him and his second bail application has been rejected by this Court on 09.01.2019 in MCRC No. 9363 of 2018 considering the prima facie case against him.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 314/2018 registered at Police Station – Kotwai, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
4. Case of the prosecution, in brief is that on 14.06.2018 in front of Lord Shankar Temple in village Parsa applicant assaulted complainant Pitamber Minz by crowbar. Said complainant resisted by his left hand, his left hand cut

down from the elbow.

5. Learned counsel for the applicant submitted that the applicant is in jail since 12.07.2018, charge sheet has been filed, he is student, the complainant has been recovered, he drew my attention on Annexure A/4, the complainant was trying to outrage modesty of the sister of the applicant, in these circumstances, the applicant 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 considerable factors for 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 important and material factors for the disposal of the bail application filed by the accused.

8. Mere filing of the charge-sheet is not sufficient ground for releasing the accused on bail.

9. This is well settled legal position that while dealing with the bail application this Court can neither scrutinize the evidence nor appreciate the same. It is only the trial Court who can do so at the time of appreciation of the evidence.

10. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case to release the applicant on bail in third round of litigation, consequently, the present bail application is rejected.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE