

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3763 of 2020**

- Umar Imam S/o Late Mohan Imam Aged About 72 Years R/o Juni Hatri, Rajnandgaon, Police Station Kotwali, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through The Station House Officer, Police Station Kowali, Civil And Revenue District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Shri Punit Ruparrel, Advocate.
For Non-applicant : Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****13.08.2020**

1. A report received from the office of the Superintendent of Jail, Raipur.
2. This is second 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.
3. Earlier, the first bail application of the applicant has been rejected by this Court on 06.02.2019 in MCRC No. 15 of 2019 considering the prima facie case against the applicant.
4. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 117/2018 registered at Police Station – Kotwali, District – Rajnandgaon (C.G.) for the offence punishable under Section 302, 307 of the Indian Penal Code and Section 25 and 27 of the Arms Act.
5. Case of the prosecution, in brief is that on 26-02-2018 at about 6 pm at Juni Hatri, Rajnandgaon, the applicant caused death of deceased Saleem Imam and injured complainant Altaf Imam by gun shot.
6. Learned counsel for the applicant submitted that the applicant is an old person and is in jail since 26.02.2018, out of 25 witnesses 17 have been examined,

there is no possibility of early conclusion of the trial due to panic situation of Covid-19, hence, he may be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application.
8. 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.
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. As per the said report applicant is suffering from Syst. HTN with CAD with Old IWMI. He is getting regular treatment from the experts of B.R.A.M Hospital, Raipur.
11. As per the applicant's case out of 25 witnesses 17 have been examined. In the present scenario, it cannot be held that trial Court is responsible for delay in trial.
12. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be released on bail in second round of litigation, consequently, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible preferably within three months after resuming the regular work of the Court.
13. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE