

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3853 of 2020**

- Omkar Nishad @ Akash, S/o Rajkumar, Aged About 20 Years Resident Of Gouri Nagar O.P. Chikhali, Police Station Kotwali, District Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Gumka, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant
For Respondent /State

Mr. Sumit Singh, Advocate
Ms. Fouzia Mirza, Additional Advocate
General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****15/9/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.110/2018 registered at Police Station Ghumka, District Rajnandgaon, Chhattisgarh for the offence punishable under Section 302 of the IPC.
3. As per the prosecution case, 10-12 friends had their dinner at a

restaurant and while they were returning, there was some dispute between the applicant and deceased Basant Thakur, after which, the deceased threw and damaged the mobile phone of the applicant. One of the friends namely Ankit John moved away from the place saying that despite being friends, they are fighting with each other. Thereafter, the applicant started demanding Rs.10,000/- towards the price of the mobile from the deceased and further altercation took place, where-after, the applicant inflicted stab wounds on the person of the deceased. In all, the deceased received 20 injuries, out of which, 17 injuries are abrasions. There are two eye-witnesses namely Mayank and Raghunath Jogi, who have seen the occurrence.

4. It is argued that the applicant is in jail since last more than 2 years and out of 36 listed witnesses, only 4 have been examined. It is also argued that the applicant has also sustained three injuries, therefore, considering that there was no previous enmity and the fight occurred all of a sudden, the applicant may be released on bail.
5. Learned counsel for the State would vehemently oppose the prayer for bail on submission that there are two eye-witnesses, who have seen the occurrence, therefore, present is not a fit case for grant of bail to the applicant.
6. I have thoughtfully considered the rival submissions.
7. The dispute arose between the two friends, where-after, the

applicant inflicted the stab wounds. It appears to be a fight which arose all of a sudden, as there is no previous enmity between the applicant and the deceased.

8. The applicant has also sustained injuries and is in jail since last more than 2 years. The trial would take some more time due to COVID 19 pandemic situation and further, only 4 out of 36 listed witnesses have so far been examined.
9. Therefore, considering all the relevant aspects of the matter, this Court is inclined to release the applicant on regular bail.
10. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

11. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge