

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4161 of 2020

- Ganesh Rajak, S/o. Late Bhagwat Rajak, Aged about 56 years, ,
R/o. Ward No.5, Jamat para, Khairagarh, PS Khairagarh, district
Rajnandgaon CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Ratanpur District
Bilaspur Chhattisgarh.,

---- Respondent

For Applicant : Shri Sanjay Agrawal, Advocate
For Respondent /State : Shri H.S.Ahluwalia, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/08/2020

The applicant has filed this second application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 234/2019 registered at police station Khairagarh, district Rajnandgaon (CG) for the offence punishable under Sections 294,323,325,307 and 506 IPC.

The first bail application of the applicant was withdrawn with liberty to review the same after evidence of material witnesses.

As per prosecution case, report was lodged by the brother of the complainant alleging that when he was going to sow paddy, some altercation took place with the applicant over some old dispute as a result of which the applicant assaulted him with club and caused grievous injuries on his head.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He submits that till date only one witness has been examined and he is in jail since 01.07.2019. He further submits that the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of injury, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

However, it is directed that the trial court shall conclude the trial as early as possible preferably within six months from the date of receipt of copy of this order.

Sd/-
(Rajani Dubey)
Judge