

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4817 of 2020**

Arun Yadav, aged about 24 years, son of Shri Ramkumar Yadav, resident of Handipara, Near Radha Krishna Mandir, P.S. Azad Chowk, Raipur, Tahsil and District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station D.D. Nagar, Raipur, District Raipur (CG). **---- Non-applicant**

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant	: Mr. D.K. Tiwari, Dy.G.A.
For Objector	: Mr. Devershi Thakur, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18.08.2020**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.386/2018 registered in Police Station -Station House Officer, Police Station D.D. Nagar, Raipur, District Raipur for the offence punishable under Sections 307 & 34 of Indian Penal Code and Sections 25 & 27 of Arms Act.
3. Earlier the first bail application of the applicant was rejected on merits by this Court vide order dated 24.06.2019 passed in M.Cr.C. No.2256/2019 considering prima facie case against him.
4. Case of the prosecution, in brief, is that the name of complainants are Pratap Chandrakar and Tushar Pandey. On 09.12.2018 at about 6:45 hrs in front of Yadav Hotel, Mahadevghat Saani Mandir, Raipur, the applicant and co-accused Sameer Sharma reached near the said complainants with their accompanies on account of previous enmity. The applicant Arun Yadav with intention to commit murder of the said complainants, fired upon them through Pistol. The complainant Pratap Chandrakar sustained injury on his left leg by bullet and complainant Tushar Pandey sustained injury on his right thigh by bullet.
5. Counsel for the applicant submitted that the applicant is in jail since 10.12.2018, the trial is withheld due to CORONA COVID-19 situation, hence the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail

application. However, he submitted that one criminal case under IPC has already been registered against the applicant as per police case diary.

7. This is true that the detention period of the accused and delay in trial are relevant factors while dealing with the bail application. But equally, it is also true that looking to the seriousness of the alleged offence and impact of granting bail to the applicant on society are more important and material factors while dealing with the bail application.

8. This is well settled legal principle that while dealing with the bail application, this Court can neither scrutinize the evidence nor appreciate the evidence. It is only the trial Court, who can do so.

9. Looking to the present scenario, it cannot be held that the trial Court is responsible for delay in trial.

10. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant be released on bail in the second round of litigation. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible after resuming the regular work.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-