

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6052 of 2020**

- Munsii Giri S/o Bulchu Giri Aged About 52 Years R/o Village - Ghaghra, Dudhniyapara, Police Station - Pasta, District - Balrampur Chhattisgarh, District - Balrampur-Ramanujganj, Chhattisgarh. **---- Applicant**

Versus

- The State of Chhattisgarh, Through S H O - Pasta, District - Balrampur-Ramanujganj Chhattisgarh. **---- Respondent**

For Applicant	:	Shri A.K. Prasad, Advocate
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****14/10/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 30.06.2017, on the allegation of having committed offence under Section 294, 506B, 323/24 and 307 of I.P.C. He moved this application for grant of bail in connection with Crime No.40/2017 registered at Police Station- Pasta, District- Balrampur-Ramanujganj (C.G.).
3. Prosecution case is that the applicant and another co-accused assaulted the victim with weapon with intention to cause injury, as a result of that, victim got head injury and injuries on various vital part of the body.
4. In the present case, the state was granted more than one opportunity to produce case diary but case diary has not been produced. On 06.10.2020, it was made clear that no further opportunity would be granted.
5. Learned counsel for the applicant would argue that earlier the bail application of the present applicant was rejected by this Court vide Order dated 20th April, 2018 passed in First bail application of MCRC No. 1172 of 2018. However, till date the trial has not been concluded and there is no likelihood of early conclusion of trial and the applicant's pre-trial detention is now more than

three years. He would further submit that this Court, while granting bail order to co-accused namely Mahendra Singh in MCRC No.1064 of 2018 observed the nature of injury and was found fracture injuries only in radius, tibia and fibula and there is no fracture injury on the head or any other vital part of the body, therefore, he would submit that in the changed circumstances, now, at this stage, the present applicant may be granted bail on the ground of delay.

6. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that the first bail application of the applicant was rejected on 20th April, 2018, taking into consideration role the applicant in the commission of offence. He would further submits that present is a case where victim was assaulted and sustained fracture injury, therefore, only on the ground of delay in trial, applicant may not be granted bail.
7. I have heard learned counsel for the parties. Though the bail application of the present applicant was rejected on 20th April, 2018, till date, trial has not been concluded and it is the applicant who has remained in jail without conclusion of trial for more than three years. Further, this Court, while granting bail to Mahendra Singh in MCRC No. 1064 of 2018 observed that there are no fracture injury on the vital part of the body of the victim. Considering pre-trial detention of the applicant which is more than three years, at this stage, present is a fit case for grant of bail.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail, on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge