

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6098 of 2020**

Umashankar Ghritlahre S/o Late Jagannath Ghritlahre Aged About 33 Years R/o- Dashama Road, Balodabazar, Police Station And District- Balodabazar (Now Balodabazar-Bhatapara) Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Vidhansabha, District- Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

13/10/2020

1. Heard.
2. Case diary is available.
3. This is the third bail application under Section 439 of the CrPC.
4. Earlier first bail application of the applicant was rejected by this Court vide order dated 16/07/2019 passed in MCRC No. 2259/2019 considering *prima facie* case against him. His second bail application was also rejected by this Court vide order dated 31/01/2020 passed in MCRC No.120/2020 considering *prima facie* case against him.
5. Perused the case diary in connection with the Crime No.395/2018 registered at Police Station Vidhansabha, District Raipur (C.G.) for the offence punishable under Sections 302, 120B, 201/34 of IPC.
6. Case of the prosecution, in brief is that on 27/10/2018 the dead body of deceased Parmanand Chaturvedi alias Pappu was found near canal in village in injured condition. As per the postmortem report death of the deceased was homicidal in nature and cause of death was hemorrhage and shock of neck injury. On the memorandum of applicant, one knife having blood like stains and cash Rs. 47,000/- were seized from him. As per the RFSL report blood was found on the alleged seized knife.
7. Counsel for the applicant submitted that trial is delayed. Applicant is in jail since 29/10/2018. Memorandum and seizure witnesses and other witnesses

have turned hostile and did not support the prosecution case. He drew my attention on Annexure A/4 which is part of the bail application. Three other co-accused are enlarged on bail by this Court. The case of applicant is identical, hence applicant may be released on bail.

8. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents has been reported against the applicant in the police case diary.
9. This is true that detention period of the accused and delay in trial are material factors for disposal of the bail application filed by the accused but equally it is also true that seriousness of the offence, impact of granting bail to accused on society are more important and material factors for disposal of the bail application filed by the accused.
10. Mere turning hostile of some witnesses are itself not a sufficient ground to enlarge accused on bail. Moreover in the case in hand I.O. is to be examined.
11. While dealing the first bail application on 16/07/2019 this Court clearly distinguished the case of applicant and co-accused Kailash Kumar Ghritlahre, Dharmendra Kumar Jangade and Harish Kumar Patel, hence principle of parity is not applicable in favour of the applicant.
12. In present scenario it cannot be held that trial Court is responsible for delay in trial.
13. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where applicant may release on bail in third round of litigation. Consequently, third bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible after resuming the regular work of the Court.

Sd/-
(Sharad Kumar Gupta)
Judge