

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6460 of 2019

- Vishal Rao S/o Dori Lal Rao Aged About 24 Years Caste - Kurmi, R/o Salar Indra Awas, Outpost - Kanakbira, Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Shri Vikash Pradhan, Advocate.

For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02/03/2020

1. The Applicant has preferred second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 688/2018, registered at Police Station – Sarangarh, District – Raigarh, Chhattisgarh, for the offence punishable under Sections 323, 306 of Indian Penal Code and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. First bail application was earlier dismissed as withdrawn with liberty to file afresh after examination of the prosecution witness namely Manorama Paikra, who is the sister of the deceased, vide order dated 17.01.2019 passed in MCRC No. 9984/2018.

3. Facts of the case, in brief is that, applicant and deceased Janki Painkra were having love affairs with each other and they used to live together for almost two years. It is alleged that applicant performed marriage with some other girl and used to assault the deceased Janki due to which she (deceased) poured petrol on herself and set her on fire. On the basis of the said, offence has been registered and Applicant has been taken into custody on 09.10.2018.
4. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that applicant has been implicated in the case only on suspicion. *Prima facie*, no case is made out against applicant. Vide order dated 17.01.2019 passed in MCRC No. 9984/2018, first bail application was dismissed with liberty to file afresh after examination of sister of the deceased namely Manorama Paikra, but till date she has not been examined by the trial Court. Referring to the order-sheet dated 03.02.2020 of trial Court, learned Counsel submits that there is no known address of Manorama Paikra. She was also not found in the given address. In the near future also, she may not be available for further proceedings. Applicant is in custody since 09.10.2018 and trial is likely to take some time. Therefore, it is prayed that applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 09.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.

9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge