

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.286 of 2021**

- Kameshwar Nishad @ Sadda S/o Bharat Nishad, Aged About 19 Years
R/o Kurud Basti, Gadhriya Para, Police Station Jamul, Tahsil And District
Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate Durg Chhattisgarh,
District : Durg, Chhattisgarh

---- Respondent

For Applicants : Shri B. P. Singh, Advocate
For Respondent/State: Dr. Veena Nair, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/05/2021**

Heard.

1. This is a repeat bail application. First bail application was dismissed as withdrawn vide order dated 28-08-2020.
2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.39/2020 registered at Police Station Jamul, District Durg for the offence punishable under Section 324, 307 of IPC. The applicant was arrested on 12-02-2020.
3. Case of the prosecution, in brief, is that the applicant stabbed the victim with the help of knife in the abdomen with an intention to cause death.
4. Learned counsel for the applicant would argue that the story of the prosecution is exaggerated and the allegations did not make out a prima facie case of commission of offence under Section 307 of IPC, because there is nothing in the medical examination report that the injuries of such a grave nature, which would likely to cause death. He would next submit that the applicant is in jail since 12-02-2020 and till date, the trial is not started nor likely to be concluded due to pandemic situation. It is next submitted that in view of recent direction of the Hon'ble Supreme Court and looking to the present pandemic situation, the applicant is entitled to be released on parole, but such order would not be passed, because this Court had already dismissed the bail

earlier bail application as withdrawn.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that looking to the injuries sustained by the victim on the vital part of the body with the help of deadly weapon by the present applicant, prima facie case of commission of offence under Section 307 of the IPC is made out.

6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the pre-trial detention of the applicant and that the trial is not likely to be concluded early due to pandemic situation and further that investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Vacation Judge