

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1038 of 2021

Shiv Kumar S/o Guleshwar Aged About 23 Years R/o Village Heth Ghicha, Out Post Dokra, Tahsil Farsabahar, District Jashpur (Chhattisgarh).
--- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station - Out Post Kardega, P.S. Tapkara, District Jashpur (Chhattisgarh),
--- **Respondent**

For the Petitioner	: Mr. Awadh Tripathi, Advocate.
For the Respondent	: Ms. Shriya Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.03.2021

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.91/2019 registered at Police Station Tapkara Police Out Post Kardega, (C.G) for the offences punishable under Sections 307, 450, 398/34 of IPC and sections 25 & 27 of the Arms Act.
2. As per the prosecution case, on 27.09.2019, 3 persons have entered into the house of Samaru and committed dacoity. When Samaru tried to resist the dacoity, the knife injury was caused to him, thereby he sustained grievous injury.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed on 14.12.2020 on the ground that the victim has not been examined. He submits that now the victim has been examined before the Court and he has not identified the applicant. He refers to the statement of victim to show that the applicant has not been identified.

Learned counsel further submits that the applicant is in jail since 10.12.2019 and looking to the period of custody, he may be enlarged on bail.

4. Learned State Counsel opposes the bail application. However she do not dispute the fact that the applicant has not been identified.
5. Considering such statement of the victim as also the fact that the applicant is in jail since 20.12.2019, at this stage, without any observation on the merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**