

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1080 of 2021**

- Rupesh Giri Goswami S/o. Shri Omkar Giri Goswami Aged About 21 Years
R/o. Ward No. 10 Imlibhata Mahasamund, Thana And Tahsil - Mahasamund,
Distt.- Mahasamund (Chhattisgarh)

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station-
Mahasamund, Distt.- Mahasamund (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/06/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.310/2020 registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for alleged commission of offences under Section 307 of IPC.
2. This is second bail application. First bail application was dismissed as withdrawn with liberty to revive.
3. Prosecution story is that the applicant, with intention to cause death, gave stab injury on the lower back part of the head of the victim, due to which, the victim sustained injury.
4. Learned counsel for the applicant would argue that the prosecution story is exaggerated. The applicant had no intention to cause death. Even if it is assumed that the victim was assaulted, there was no intention to cause death and the injury was simple in nature. Therefore, at this stage, the applicant may be granted bail as there is no material progress in trial. It is submitted that the applicant is in jail since last 11 months.

5. On the other hand, learned State counsel opposes prayer and submits that the FIR and the statement of the victim itself shows that the applicant assaulted the victim with the help of knife with intention to cause death though the injury was found simple in nature. It is submitted that the applicant is a habitual offender and against him, 3 other criminal cases have been registered which shows that if the applicant is released, he is likely to misuse the liberty by involving in criminal activities.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that present is a case of single stab injury which is stated to be simple in nature, investigation is complete, charge sheet has been filed and further taking into consideration that there is no material progress in the trial, I am inclined to grant bail to the applicant.

7. Accordingly, the 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/- along 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) He shall not make any attempt to tamper with the prosecution witnesses particularly the complainant.
- c) Further, if the applicant is found involved in any other criminal activities in future after release on bail, the bail granted to the applicant shall be liable to be cancelled.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge