

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1532 of 2021

Banshi Lal Vishwakarma, S/o Late Randhir Vishwakarma, Aged About 22 Years, R/o Ward No. 39, Diprapara Durg, Police Station, Tahsil & District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: District Magistrate Durg, District- Durg (C.G.) and also through Police Station: Durg Kotwali, District- Durg (C.G.)

--- Respondent

For Applicant : Mr. Pawan Kumar Kashyap, Advocate.
For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/03/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. The first bail application of the applicant MCRC No. 7539 of 2020 was dismissed as withdrawn vide order dated 04.11.2020 with liberty to file afresh.
6. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the

applicant, who has been arrested in connection with Crime No. 259/2020, registered at Police Station- Durg Kotwali, District- Durg (C.G.) for the offence punishable under Section 294, 307 of IPC.

7. Learned counsel for the applicant submits that the applicant is in jail since 04.04.2020 and has been falsely implicated in this case. The trial has not made any progress. The applicant has not committed any offence. The story of the prosecution is totally false. Hence, it is prayed that this applicant may be enlarged on bail.
8. On the other hand, learned counsel for the State opposes the bail application submitting that there is direct evidence against this applicant regarding commission of offence, which is supported by medical report of the examining doctor and further, the applicant has four criminal antecedents, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
9. Heard counsel for both the parties and perused the records.
10. As per case of the prosecution, it is alleged that on the date of incident, the victim met with this applicant in a Shulabh Shouchalaya, they had some arguments and then, the applicant stabbed the victim with knife and ran away from the spot, regarding which, FIR has been lodged.
11. Considered on the submissions and the facts present in this case. The opinion of the examining doctor that the injuries caused, were grievous in nature and there is no report about

fatality of the injuries. The applicant is in jail since about one year and the trial has not made any satisfactory progress. For these reasons, I am of this view that it would be proper to release the applicant on bail, hence, I feel inclined to grant bail to the applicant in this case.

12. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
13. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun