

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2110 of 2021**

- Suraj Verma S/o Trilochan Aged About 23 Years R/o Village Champa, Police Station Palari, Tehsil - Balodabazar, District Balodabazar - Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Palari, District Balodabazar - Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

Present:-

Ms. Supriya Upasane, counsel for the applicant.
Shri Ravish Verma, GA for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/08/2021**

1. Heard.
2. This is repeat bail application. Earlier bail application was dismissed as withdrawn.
- 3 The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.340/2020 registered at Police Station Palari, District Baloda Bazar-Bhatapara for the offence punishable under Section 506-B, 324, 307, 201 of IPC. The applicant was arrested on 21-09-2020.
4. Case of the prosecution is that the applicant assaulted the victim with an intention to cause death, due to which, the victim sustained head injury and if not treated, the same could be fatal.
5. Learned counsel for the applicant would submit that the applicant has been involved in this case only on suspicion, because, eye-witness of the incident was sitting at a distance from the place of incident and had enquired the victim regarding the incident. He further submit that the victim-Samiran Pal has been examined before the trial Court and he has clearly stated that he

could not see the person, who assaulted him and after the incident, the applicant has come to know about the incident. It is also submitted that except this, there is no other eye-witness of the incident to involve the applicant in the alleged commission of offence and the weapon allegedly used in the offence, said to have been recovered from an open place, at which, the incident of assault is said to have happened and not from the possession of the applicant. In these circumstances, learned counsel for the applicant prayed that the applicant may be granted bail.

6. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that though the victim has stated that due to darkness, he could not see the person, who assaulted him, but, after some time of the incident, the applicant was present at the spot near the victim. It is submitted that the trident alleged to be used in the offence was recovered from the pond at the instance of the applicant. It is also submitted that the victim has admitted that the compromise had taken place between the parties, whereas the offence committed is not compoundable in nature.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the victim has not supported the prosecution case and turned hostile and that the recovery of trident is from the pond and there is no other eye-witness of the prosecution in the case as per the charge sheet and further that the applicant is in jail since 21-09-2020 and there is no likelihood of early conclusion of trial, I am inclined to allow the bail application. Accordingly, the bail application is allowed.

8. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

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