

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2784 of 2021

Jagtaran Banjare S/o Shri Kunjram Banjare Aged About 42 Years R/o
Village Sambalpuri, Police Station Belha, District Bilaspur, Chhattisgarh,
---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station Belha, Bilaspur, District
Bilaspur, Chhattisgarh
---- **Respondent**

For Applicant	:	Shri Dharendra Pandey, Advocate
For Respondent/State	:	Shri Anshuman Shrivastava, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27.08.2021

Heard.

This is repeat application for grant of bail. Earlier bail application was dismissed as withdrawn on 28.01.2021.

1. The applicant has been arrested in connection with Crime No.178 of 2020 registered at Police Station- Belha, District Bilaspur (CG) for the alleged commission of offence under Section 147, 148, 149, 294, 506(B), 323, 307 of IPC.
2. Learned counsel for the applicant would submit that in the present case though a crowbar is said to have been seized from the possession of the applicant, the injuries which have been found on the body of the victim have not been reported to be grievous in nature or that of such nature which if not treated would have resulted in death, therefore, prima facie case under Section 307 of IPC against the present applicant would not be made out. He would further submit that the applicant is in jail since 09.10.2020 and therefore, at this stage, he may be granted bail as other applicants have also been granted bail.
3. On the other hand, learned counsel for the State opposes the prayer and submits that case of the present applicant is different from other accused. The allegation of causing injury around the chest with the help of sharp object is

against the applicant from whose possession crowbar was seized. He would submit that as trial is still going on and that doctor has not been examined, the extent and nature of injury is said to be described.

4. Considering the submission of learned counsel for the parties, particularly taking into consideration the period of detention during trial and further the charge-sheet contained any specific report that any of the injury was grievous in nature or that of such nature if not treated was likely to cause death, the application is allowed.

5. 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 till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge