

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3752 of 2021**

- Rakesh Yadav @ Chhotu S/o Santosh Yadav Aged About 23 Years R/o Shyam Nagar Sahu Para Camp 2 Bhilai Tehsil And District Durg Chhattisgarh
- Deepak Yadav @ Golu S/o Santosh Yadav Aged About 27 Years R/o Shyam Nagar Sahu Para Camp 2 Bhilai Tehsil And District Durg Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through, S.H.O. Chhawani, District Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri B.P.Singh, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****31/08/2021**

Heard.

1. The applicants have been arrested in connection with Crime No.229/2020 registered at Police Station – Chaawani, District – Durg (C.G.) for alleged commission of offences under Section 307, 323, 294, 506, 324 R/w 34 of IPC.
2. This is repeat application. Earlier application was rejected by this Court vide order dated 05/11/2020. The application for grant of bail has been repeated by the applicant on the submission that trial has not been concluded till date even after lapse of 9 months from the date, first bail application has been rejected and the applicant is in jail since last 1 year and 3 months.
3. This Court earlier rejected bail application taking into consideration depressed fracture on frontal bone of the head and one injury on the zygomatic arch possibly caused by a sharp edged weapon – knife. As per the prosecution allegation, the appellant – Rakesh Yadav is alleged to have assaulted with knife and Deepak Yadav is alleged to have assaulted with club. The manner in which the incident happened

and the nature of injury, part of body, applicant No.1 cannot be alleged to have assaulted causing injury on frontal bone of the head. Therefore, only due to delay in trial, the applicant cannot remain in jail.

4. On the other hand, learned State counsel opposes prayer and submits that earlier, bail application was rejected on merits taking into consideration the injury caused both by club and knife and that there was a fracture on the frontal bone on the head. Therefore, only due to delay in trial, applicant cannot be considered for grant of bail.

5. Taking into consideration the submission of learned counsel for the parties, at this stage, when the trial is not concluded and 1 year and 3 months have elapsed and further taking into consideration that earlier bail application was considered and rejected and till date, trial has not been concluded and the main injury caused on the head is said to have been caused by club, therefore, at this stage, I am inclined to allow the application of applicant No.1 – Rakesh Yadav.

6. It is directed that the applicant – Rakesh Yadav 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.

7. Application of applicant No.2 – Deepak Yadav is rejected. In case, trial is not concluded within a reasonable time of 4 months, he would be at liberty to revive the application.

Certified copy as per rules.

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