

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2937 of 2021**

- Ganesh Rajak S/o Late Bhagwat Rajak Aged About 56 Years R/o Jamatpara, Ward No. 5, Khairagarh, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Abhishek Sharma, Advocate.
For Respondent/State	:	Mr. B.L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.06.2021**

1. Proceeding through video conferencing.
2. The accused/applicant has moved this **Third Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 234/2019 registered at Police Station - Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 294, 323, 325, 506-B & 307 of the IPC.
3. The second bail application of the applicant was dismissed on merit by this Court on 14.08.2020 passed in MCRC No. 4161/2020 on the ground of nature of injury.
4. As per the prosecution case, the allegation against the present applicant is that due to some old dispute he

assaulted the victim with the help of club and caused grievous head injuries.

5. Mr. Abhishek Sharma, learned counsel appearing on behalf of the applicant would contend that the applicant has been falsely implicated in the crime in question. The second bail of the applicant was dismissed on merit and a direction was issued to the trial Court to conclude the trial within a period of six months but out of total 11 witnesses only one witness has been examined yet. The applicant is in jail since 01.07.2019. Referring to Annexure A/5, medical report of the applicant, counsel for the applicant next contended that the applicant is suffering from *Nodal Metastasis* (Neck Cancer) and except that, *Carcinoma Thyroid* is also severely spread on applicant's lymph nodes. Thus, looking to his serious health condition, he may be released on bail.
6. Per contra, learned state counsel opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence and particularly, the health condition of the applicant, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

10. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

**Sd/-
(Rajani Dubey)
Judge**

V/-