

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3230 of 2021**

- Vivek Rajak @ Ledga S/o Mr. Prahlad Rajak Aged About 20 Years R/o Dhobi Chowk, Ramsagarpara, Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Police Station- City Kotwali, Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondent

Present:-

Shri Chakresh Tiwari, 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 rejected on merits.
- 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.184/2019 registered at Police Station City Kotwali, District Dhamtari for the offence punishable under Section 302, 120, 34 of IPC and Section 25 & 27 of the Arms Act. The applicant was arrested on 01/05/2019.
4. Case of the prosecution is that the applicant and other co-accused assaulted the victim and because of multiple injuries, he died at the spot.
5. Learned counsel for the applicant would submit that earlier bail application was rejected by this Court taking into consideration that the prosecution has come out with eye-witness of the case, but, now the sole eye-witness-Hemendra Dewangan has been examined by the trial Court and he has not supported the prosecution case and turned hostile. It is further submitted that except the evidence of Hemendra Dewangan, no other material evidence has been brought by way of charge sheet against the present applicant in the form of direct evidence or circumstantial evidence to involve the applicant in this

case, therefore, the present is a case of no evidence.

6. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that though Hemendra Dewangan has been examined by the trial Court, other prosecution witnesses are yet to be examined and further that the applicant is facing trial for commission of serious offence and in case, the applicant is granted bail, he is likely to abscond and hamper the trial.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecution has come out with the evidence of sole eye-witness, according to the submission of learned counsel for the applicant, has not supported the prosecution case, turned hostile and does not involve the applicant in the alleged offence and also that except Hemendra Dewangan, no other material evidence has been brought by the prosecution by way of charge sheet against the present applicant in the form of direct evidence or circumstantial evidence to involve the applicant in this case and there is no likelihood to abscond or tamper the prosecution witnesses, 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