

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5665 of 2021**

- Dhanai Uraon S/o Basu Uraon Aged About 19 Years R/o Village Dongritola, Police Station Ratu, District Ranchi, Permanent Address Pipertolo, Police Station Algora, District Ranchi Jharkhand

----Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Korba District Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****10/09/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.98/2017 registered at Police Station – Kotwali Korba, District – Korba (C.G.) for alleged commission of offences under Section 394, 397, 307, 34 of IPC and Section 25, 27 of Arms Act.
2. This is repeat bail application. Earlier applications were dismissed as withdrawn.
3. Learned counsel for the applicant would submit that in the present case, charges are of attempt to loot a jewelery shop and it is alleged that while running away, when attempt was made to catch hold of the applicant and other accused, the applicant opened fire and it is alleged that one police constable was injured. He would submit that the applicant, on the alleged commission of offence, has been arrested and has been kept in jail for a very long time. More than 4 ½ years have elapsed and till date, trial has not been concluded. The order sheets of the Court below has also been placed on record to submit that none of the adjournments of the case are attributable to the applicant but the prosecution witnesses are not turning up therefore the trial is not concluded till date. He would further submit that as it is not a case of murder and even a case where the allegation is of having committed robbery in a jewelery shop and it is only attempt. In the circumstances of the case, at this

stage, the applicant may be granted bail by imposing appropriate conditions.

4. I have heard learned counsel for the parties.

5. The allegations against the applicant is that the applicant and the co-accused attempted to commit robbery in a jewelery shop and while they were running away, fire was opened and it is alleged that one of the constable was injured. Trial has remained pending for the last more than four and a half years. Though some of the witnesses have been examined, it is submitted that many other witnesses are yet to be examined. This Court has gone through various order sheets. Delay in trial cannot be attributed to the applicant. The other co-accused has already been granted bail by this Court.

6. Considering the aforesaid circumstances, at this stage, taking into consideration that present is a case of commission of offence under Section 307 IPC along with allegation of attempt to commit robbery, at this stage, without further commenting on merits, I am inclined to grant bail to the applicant. Considering that the applicant stated to be resident of another State, the application is allowed with following conditions -

- i) The applicant shall furnish personal bond of Rs.1 lakh.
- ii) The applicant shall furnish two local sureties, each of Rs.1 lakh to the satisfaction of the Trial Court.
- iii) The applicant shall report to the Trial Court once in every month as may be directed by the Trial Court.
- iv) The applicant shall not leave the State of Chhattisgarh without prior permission of the Court.

If any of the conditions is found violated, the State would be at liberty to apply for cancellation of bail.

Certified copy as per rules.

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