

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6948 of 2021**

1. Shubham Thomas @ Joy S/o S. Rajan Aged About 24 Years R/o Bombay Awas Quarter No. 136, Nehru Nagar, Bhilai, Police Station-Supela, District Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through S.H.O. Police Station Bhilai Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant - Shri B.P. Singh, Advocate.
For Respondent/State - Shri Arjit Tiwari, Panel Lawyer.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board

28-09-2021

1. Heard.
2. The applicant has preferred the second bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.326/2019, registered at Police Station – Bhilai Nagar, District – Durg (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
3. The earlier bail application of the applicant was dismissed with liberty to revive the prayer after examination of eye witnesses Sanjana Nishad and Deva Sagar on 11-08-2020 in MCRC No.1387/2020.
4. Deceased Kailash Gupta @ Raja was inflicted repeated knife blows by the applicant after a dispute wherein, the deceased was trying to outrage the modesty of applicant's girlfriend Sanjana Nishad.

5. The above two witnesses have already been examined before the trial Court. They have turned hostile. There is no other evidence like last seen together or extra judicial confession.
6. Learned State counsel would oppose the prayer for grant of bail.
7. Case of the prosecution was based on the statement of eye witness.
8. Considering the quality of evidence against the applicant at this stage of the proceeding and for the fact that the applicant is in jail since 10-09-2019 i.e. for more than two years, I am inclined to release the applicant on bail.
9. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one local surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Amardeep