

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7712 of 2020

Gopal Singh Sidar S/o Shri Phul Singh Sidar, Aged About 23 Years R/o
Village Shanidera Barpali Tahsil District Korba Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through S H O Syang, Korba, District Korba
Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Dheerendra Pandey, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/02/2021

Heard.

1. The applicant has been arrested in connection with Crime No.3 of 2019 registered at Police Station- Syang Korba, District Korba (CG) for the alleged commission of offence under Section 294, 506, 323, 302 of IPC.
2. Case of the prosecution is that the applicant assaulted his grandfather Mangal Singh, due to which, he sustained injury and was taken to hospital where he died.
3. Learned counsel for the applicant would submit that he has been implicated in a false case. He would submit that the prosecution filed charge-sheet against the applicant citing Phul Singh (PW1), Sharda Bai (PW2), Narayan Khairwar (PW3) and Darsu Ram (PW6), all of those witnesses including witnesses of memorandum and seizure have been examined and none of them have supported the prosecution case and turned hostile. Therefore, it is argued, it is now a case of no evidence and examination of remaining witnesses including Investigating Officer would not make any difference, as all the other material witnesses have turned hostile, therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant is being tried for commission of serious

offence and even if many witnesses have been examined including eyewitnesses, taking into consideration the nature of allegation, the applicant may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that all important witnesses particularly stated to be eyewitness Phul Singh (PW1), Sharda Bai (PW2), Narayan Khairwar (PW3) and Darsu Ram (PW6) have already been examined and the submission of learned counsel for the applicant that none of them have supported the case of the prosecution and even the witnesses of memorandum and seizure have also not supported the prosecution case, the application is allowed.
6. It is directed that the applicant 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 concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge