

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 747 of 2020**

- Dhanesh Patel S/o Santosh Patel, Aged About 22 Years R/o. Village Chimra, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/03/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 269/2019 registered at Police Station - Kawardha, District-Kabirdham (C.G.) for the offence punishable under Sections 302, 201, 34 of the IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to file the same at an appropriate stage by this Court on 06.12.2019 in MCRC No. 6641/2019.
3. The prosecution story, in brief is that, a missing report was lodged by the complainant namely Nansuram against some unknown persons alleging therein that his son namely Sunil Yadav went anywhere without any information. After completion of investigation, dead body of Sunil Yadav was found and offence has been registered against the present applicant and other co-accused person.
4. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. He further submits that the star witnesses does not support the prosecution case. He next submits that the applicant is in jail since 04.07.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and submits that it is clear from the evidence that the Dhanesh Patel (present applicant) along with other co-accused persons has murdered by slapping stone upon Sunil Yadav. So, he may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release them on bail.
8. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected

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