

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 667 of 2020**

- Mohd. Yasin S/o Late Mohd. Farukh Aged About 24 Years R/o House No. Lig 117, Housing Board Colony, Sejbahar, Police Station Mujgahan, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Mujgahan, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajeev Shrivastava, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/03/2020**

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. 155/2017 registered at Police Station - Mujgahan, District-Raipur (C.G.) for the offence punishable under Sections 341, 302, 302/34 of the IPC and 27 of Arms Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to file fresh bail application by this Court on 21.01.2020 in MCRC No. 170/2020.
3. The prosecution story, in brief is that, complainant lodged a report that on 15.06.2017 when complainant along with Bablu alias Irfan was coming back from his father's house by Car bearing registration No. M.P. 28-BD-4488 when they reached near about Datrenga Road then two unknown persons came there by motorcycle and stopped their motorcycle in-front of the said car, to saw that Bablu alias

Irfan cried Asif and at that time, Asif shoot the Bablu alias Irfan on his head due to this, Bablu alias Irfan died on the spot. Based on this offence has been registered against the present applicant.

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 evidence of sole eye-witness namely Rajeev Bhosle has been recorded, and he has refused to identify the applicants. He next submits that the applicant is in jail since 17.06.2017, 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 the present applicant is involved in a murder conspiracy and a country made pistol was seized from the possession of the present applicant.
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**