

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 873 of 2020**

- Akash Sahu S/o Ankit Sahu Aged About 23 Years R/o Gudiyari, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant.	:	Mr. C. R. Sahu, Advocate.
For Respondent/State	:	Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 485/2018 registered at Police Station – Telibandha, District Raipur (C.G.) for the offence punishable under Sections 120(B), 302/34 & 201 of the IPC.
2. The prosecution story in brief is that, the complainant lodged a written report before the concerned police station alleging that present applicant along with co-accused person committed murder of the deceased with the help of knife. Based on that, Based on that, after investigation, the offence has been registered and the co-accused has been arrested. On the basis of memorandum statement, the present applicant has also been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that other co-accused person namely Vinay @

Vikky, against whom the same offence has been registered, has already been granted by this Court on 07.08.2019 passed in MCRC No. 4878/2019. Referring to the statement of memorandum and seizure witnesses he would further submit that the witnesses have not supported the prosecution case before the trial Court, as applicant is in jail since 22.07.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel opposes the bail application submitting that a knife has been seized from the applicant, therefore, he may not be granted bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, particularly looking to the statements of the witnesses and the fact that the co-accused has already been granted bail by this Court, as applicant is in jail since 22.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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