

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3785 of 2020**

- Ashok Wahane, S/o Tarachand Wahane, Aged About 30 Years, R/o Awalajhari, Ward No. 05, Police Station- Bharweli, District- Balaghat, Madhya-Pradesh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Kota, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Raj Kumar Gupta, Adv.

For Respondent/State : Shri Dinesh Tiwari, Dy. G. A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board**05.08.2020**

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. 210/2018 registered at Police Station- Kota, District- Bilaspur, (C.G.) for the offence punishable under Sections 302, 201 & 376 of I.P.C.
2. The first bail application of the applicant was dismissed as withdrawn on 05.11.2019 with direction to the trial Court to conclude the trial expeditiously.
3. The prosecution story, in brief is that, the present applicant pressurized the deceased to marry with him but she denied the same. Thereafter, applicant killed her with the help of her scarf. Thereafter, 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 except memorandum and seizure of one mobile, nothing adverse has been seized against the applicant. The applicant is in jail since 25.05.2018, as there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant and further considering the facts that except memorandum and seizure of one mobile, nothing adverse has been seized against the applicant. The applicant is in jail since 25.05.2018 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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