

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3802 of 2020**

- Rupesh Chakradhari, S/o Late Surendra Chakradhari, Aged About 22 Years, R/o Azad Chowk, Ward No. 15, Bajrang Nagar, Uttai, P.S.- Uttai, District- Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh- Through, District Magistrate, Durg, District- Durg.

---- Respondent

For Applicant	:	Mr. P. R. Patankar, Adv.
For Respondent/State	:	Mr. 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. 272/2019 registered at Police Station- Uttai, District- Durg, (C.G.) for the offence punishable under Sections 450, 302 & 307 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to file the same after examination of material witnesses vide order dated 23.03.2020 by this Hon'ble Court.
3. The prosecution story, in brief is that, on 11.08.2019, the brother of the deceased went to his house and saw the applicant inside his house thereafter, he called his father and when they both entered the house, the door was closed, then they asked the deceased to open the door but she shouted from inside showing her inability to open the door as the applicant has put knife on her neck. Thereafter, they called the police and the door was

broken where they found both accused and deceased were in unconscious condition and completely stained in blood, thereafter they both were taken to hospital whereby deceased died during treatment. Based on this, offence has been registered. Present applicant has been taken into custody on 09.09.2019.

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 there was a love affair between the applicant and the deceased and applicant also sustained injuries on his body. The charge-sheet has been filed. The applicant is in jail since 09.09.2019, 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 submitting that the applicant did a very heinous crime so, it is not a fit case to release him 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 him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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

Ruchi