

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3941 of 2020**

Lavkush Shukla, S/o Shri Ravindra Nath Shukla, Aged about 28 years, R/o Village Gram Bari, Post Baridih, District Jaunpur (UP) presently R/o House of K. Vishwanath Sharma, Dubey Colony, Vidhansabha Road, Mowa, PS Mowa, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station Gudhihari, Civil & Revenue District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Sunil Verma, Advocate.
For Respondent/State : Ms. Sunita Jain, G.A.

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

25/08/2020

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. 299/2019 registered at Police Station- Gudhihari, District Raipur (C.G.) for the offence punishable under Sections 302, 120-B, 34 of the Indian Penal Code, 1860.
2. The first bail application of the applicant was dismissed as withdrawn by this Court on 12.03.2020 in MCRC No. 417/2020.
3. As per the prosecution case, the present applicant along with other co-accused persons conspired to murder one K. Vishwanath Sharma and got him killed on 20.07.2019. The memorandum of statement of the accused, the police statement of the witnesses and the CDR Report shows the primacy of the accused/applicant in the case.
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 is nothing record to suggest the involvement of the applicant in the crime. He next submits that the applicant is in jail since 22.07.2019, 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, therefore, 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

Vasant