

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3905 of 2020**

- Shivanand Alias Dara, S/o Sakhuram Khairwar, Aged About 26 Years, R/o Village Koniypath, P.S.- Saragaon, District- Janjgir-Champa Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer P.S.- Saragaon, District- Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. F. S. Khare, Adv.
For Respondent/State	: Mr. Vikram Sharma, 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. 55/2019 registered at Police Station- Saragaon, District- Janjgir-Champa, (C.G.) for the offence punishable under Sections 294, 506-B, 323, 307, 302/34 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of material witnesses vide order dated 09.03.2020 by this Hon'ble Court.
3. The prosecution story, in brief is that, on the date of incident, the deceased Gangadhar Khairwar along with some boys were playing cricket, at that time, the applicant along with co-accused person came there and started abusing. It is alleged that when deceased and his companions asked them as to why they were

abusing, they assaulted him with club on his head and he sustained injuries, resulting to death. Based on this, offence has been registered. Present applicant has been taken into custody on 12.08.2019.

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 the charge-sheet has been filed and the applicant is in jail since 12.08.2019, 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 material witnesses has supported the prosecution case against the applicant, so, applicant did a very heinous crime and 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