

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4233 of 2020**

- Sagar Yadav @ Roshan Yadav S/o Ravi Kumar Yadav, aged about 20 years, R/o Ramaiyaa Ward No. 17 Talab Para Jagdalpur District Bastar Chhattisgarh. Present Address Ward No. 05 Mandir Para Dantewada P.S. Kotwali District Dantewada State C.G.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station - Kotwali, District Dantewada Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Vikas A. Shrivastava, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.08.2020**

1. The applicant has filed this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 99/2018 registered at Police Station : Kotwali, District Dantewada (C.G.) for the offence punishable under Sections 307 & 302 of the IPC, Section 25 of Arms Act.
2. The First bail application of the applicant was dismissed as withdrawn on 07.01.2020 passed in MCRC No. 7278/2019 and a liberty was given to the counsel for the applicant to file the same at an appropriate stage.
3. As per the prosecution case, the allegation against the present applicant is that he assaulted the deceased with the

help of knife and thus committed murder. Based on that offence has been registered against the applicant.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that in the present case the person who was claimed by prosecution as the eye witness of incident turned hostile and denied the suggestions of prosecution. He next submitted that the applicant is in jail since 25.09.2018 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
5. On the other hand, State counsel strongly opposes the bail application submitting that the eye witness clearly stated in his memorandum that he has seen the applicant running having a knife just after the incident, therefore, the present applicant may not be granted bail.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, nature and gravity of the case and particularly, 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