

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4284 of 2020**

- Itwar Das, S/o Late Shri Bisahu Das, Aged about 40 years, r/o House No. 507 Purani Basti, Kohadiya, Tahsil & District Korba (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, PS-Shyang, District Korba (C.G.)

---- Respondent

For Applicant : Mr. C.J.K. Rao, Advocate.
For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

17/08/2020

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 02/2020 registered at Police Station- Shyang, District Korba (C.G.) for the offence punishable under Sections 302, 201 120(B) of the IPC.
2. The prosecution story in brief is that, on the date of incident dated 10.12.2019, the applicant along with co-accused persons committed the murder of deceased Krishna Kumar.
3. 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 no eye witness and there is no material against the present applicant. At the time to incident he was on duty from 02:00 pm to 10:00 pm. He next submits that the applicant is in jail since 22.01.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant

is of serious in nature; therefore, no case is made out for grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 22.01.2020, and 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- 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**

Vasant