

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5540 of 2020**

- Nilesh Raj S/o Shri Maniram, Aged About 19 Years, R/o Daupara, Mungeli Tahsil And District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - S H O - City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate.
For Respondent/State	:	Mr. Samir Uraon, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/12/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 430/2019 registered at Police Station - City Kotwali, Mungeli, District - Mungeli (C.G.) for the offence punishable under Sections 302, 307, 120(B), 212, 34 of the IPC.
2. The first bail application of the applicant was dismissed with liberty to renew the same after examination of important witnesses by this Court on 14.01.2020 in MCRC No. 7533/2019.
3. The prosecution story, in brief is that, complainant Salaru Baghel lodged an FIR and stated that on 02.07.2019 from 06 to 09 PM. show, when he was sitting side of ticket counter, deceased Omprakash was standing near the booking office on where Santosh Gautiya was also present, after noon in show from 03 to 06 PM. there was some quarrel, due to which present applicant & other co-accused came to the spot and co-accused Saurabh Chauhan was poured petrol mixed acid and blazed him fire in which the complainant has also

received burn injury. Later on Omprakash was died. Based on this, offence has been registered against the present applicant and other co-accused.

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 prosecution has not been collected a single evidence which has shown that the applicant has committed the murder of the deceased and the Salaru (PW-1) and Prakash Soni (PW-2) have turned hostile before the trial Court. He also submits that the applicant is in jail since 15.07.2019, 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 and submits that the petrol was brought from the petrol-pump by the applicant, thus, applicant has also played a serious roll in the murder, therefore, no case is made out to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the PW-1 and PW-2 have not supported the prosecution case before the trial Court and the applicant is in jail since 15.07.2019 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.
8. 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**