

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4998 of 2020**

1. Ashutosh @ Bablu Tiwari, S/o Rambahal Tiwari, Aged about 35 years, R/o Adhiyakala, Thana Dehat, Kotwali, Tahsil & District Sultanpur (UP)
2. Krishna Kumar @ Rinku Tiwari, S/o Ashok Tiwari, Aged about 35 years, R/o Barvikutiva, Thana Dehat, Kotwali, Tahsil & District Sultanpur (UP)

---- Applicants**Versus**

- State of Chhattisgarh, Through: District Magistrate Kabirdham (C.G.)

---- Respondent

For Applicants : Mr. Parag Kotecha, Advocate.
 For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/08/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 78/2020 registered at Police Station- Pipariya, District Kabirdham (C.G.) for the offence punishable under Sections 307, 294 and 120 read with Seciton 34 of the Indian Penal Code and under Sections 25 and 27 of the Arms Act.
2. As per the prosecution case, it was an allegation against the present applicants along with others had shooted the complainant by gun shot. It was an allegation that on Manoj Chandravanshi had hire the Munna Khan, as there was an election dispute between the parties and because of that Bishen Kaushik who is the husband of Sarpanch had been shooted. Hence the offence under the aforesaid sections had been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that there is no prima facie evidence that the applicants are at all involve in the aforesaid crime. He next submits that the both applicants are in jail since 21.04.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the applicants did a very heinous crime, therefore, it is not a fit case to release them on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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 them on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge

Vasant