

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5048 of 2020**

- Krishna Kumar @ Dabbu Tiwari S/o Laxmi, aged about 20 years, R.T.I. Parisar Colony, Police Station Koni, District Bilaspur (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Sarkanda, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri Suresh Kumar Verma, Adv.
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****26/08/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.761/2019, registered at Police Station – Sarkanda, District Bilaspur (C.G.) for the offence punishable under Section 302 IPC.
2. The allegation against the present applicant is that on 21.08.2019 he committed murder of deceased Priyanka Shrivastava. Based on this, the offence has been registered. The present applicant has been taken into custody on 23.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that Anurag Manikpuri (PW/1), lodger of the FIR, has not supported the case of the prosecution and turned hostile. Likewise, other prosecution witnesses namely Prashant Tripathi (PW/2), Devesh Pandey (PW/3), who are the

witnesses to memorandum, have also not supported the case of the prosecution and turned hostile. That apart, the main witness Narad Shrivastava (PW/4), father of the deceased, has also not supported the prosecution case. He further submits that on 23.08.2019 memorandum of the applicant was recorded and on 21.08.2019 seizure was affected. He also submits that the applicant is in custody since 23.08.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that Prashant Tripathi, one of the witness to the memorandum of applicant, is yet to be examined in the case.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 23.08.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge