

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5235 of 2020**

- Birhor Ram Tirkey S/o Sohar Ram, Aged About 25 Years R/o Village - Shahpur, Police Station - Kusmi, District - Balrampur - Ramanujganj Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Sanna, District - Jashpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. J. K. Saxena, Adv.
For Respondent/State	:	Mr. Rakesh Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/11/2020**

1. The accused/applicant has moved this **second bail** application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 62/2019 registered at Police Station Sanna, District-Jashpur (C.G.) for the offence punishable under Section 302, 34 of IPC.
2. The first bail application of the applicant was dismissed with liberty to revive the same after examination of material witnesses by this Court on 20.05.2020 in MCRC No. 2192/2020.
3. The prosecution story in brief, is that, on 28.10.2019 complainant Anand Ram lodged a report with the allegation that on 27.10.2019 his father Mahaveer Ram went to village Khadkona, where he stayed in the House of Kishore Xalxo in night and on next day i.e. 28.10.2019 while he was returning to his house, he was killed by unknown persons near Sikdi Sarna Jungle. During investigation, the memorandum statements of accused persons were recorded and on the

basis of their memorandum they have been arrested. Based on this offence has been registered against the present applicant and arrested on 10.11.2019.

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 there is no any eye-witness of the case and the allegation is against the Jeevan Sai Ram. He next submits that the applicant has never killed the deceased Mahaveer Ram and only on the basis of suspicion he has been implicated in this case. He also submits that the applicant is in jail since 10.11.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very serious offence. The applicant has involved in a murder case with the other co-accused persons, it is clear from the postmortem report that there is three deep wounds on head, face and neck with the axe, and axe was seized, from the accused persons, therefore, no case is made out to release the applicant on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**