

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5293 of 2020**

- Omkar Paikara, S/o Shri Brij Raj Paikara, Aged About 25 Years, Caste- Kanwar, R/o Village- Majhapara Bandana, Post Kot, Police Station- Sitapur, Tahsil Menpat, District- Surguja (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through the Police of Police Station- Sitapur, District- Surguja (C. G.).

---- Respondent

For Applicant	: Mr. Govind Dewangan, Adv.
For Respondent/State	: Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.09.2020**

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. 143/2019 registered at Police Station- Sitapur, District- Surguja (C.G.) for the offence punishable under Section 302/34 of IPC, 1860.
2. The prosecution story, in brief is that it has been alleged that unknown person has committed murder of the deceased. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 the charge-sheet has been filed and there is no previous criminal antecedent has been registered against the present applicant. The applicant is in jail since

07.02.2020 and 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 the submission made in this respect. It is submitted that the offence committed by the present 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 record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that there is no previous criminal antecedent has been registered against the present applicant. He next added that charge-sheet has been filed and the applicant is in jail since 07.02.2020 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**

Ruchi