

NAFR

HIGH COURT OF CHHATTISGARH BILASPUR

M.Cr.C. No.6276 of 2019

- Jitendra @ Abhiram Shukla S/o Ashok Kumar Shukla Aged About 44 Years R/o Shardapuram Colony, Thana Saman, District- Rewa, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Rakhi, Raipur, District- Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State : Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

14-02-2020

1. This is repeat application for grant of regular appeal filed by the applicant. The first application filed as M.Cr.C. No.4602 of 2019 was dismissed as withdrawn on 01.08.2019 and liberty was granted to file repeat application after examination of seizure witnesses as prayed for by the applicant side.
2. It is submitted by learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case, the important witnesses namely Hemant Markande (P.W.-1) and Rahul Kumar Shukla (P.W.-2), Ashok Sen (P.W.-3), Pradyuman Mishra (P.W.-4) have been examined before the trial Court and they have not made any statement against applicant. The applicant is in jail since 27.10.2018 and trial against him is still not completed. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the submissions

and submits that the charge against the applicant is of heinous nature, simply because of examination of some witnesses, the applicant cannot claim that he is innocent. Therefore, there is no such circumstance on the basis of which, the applicant can be benefited with grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant on pretext of being the priest to perform Pooja in the house of deceased, gained entry and then he along with co-accused throttled the deceased to death and also committed loot of the articles. The applicant then again used the A.T.M. card of deceased for making a withdrawal of Rs.15,000/-. The case is before the trial Court after the completion of investigation.
6. After perusing the material present in the case diary, I am of this view that there are many more witnesses who are yet to be examined by the trial Court and gravity of the charge against the applicant cannot be denied. Therefore, this is not a fit case for grant of regular bail to the applicant. Therefore, this application is rejected.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)

Judge

Monika