

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7694 of 2019**

- Shivendra Pratap Singh S/o Shri Dharmendra Singh Aged About 21 Years, R/o 803, Sundar Nagar, Raipur - 492001, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Deendayal Nagar, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sushil Dubey, Adv.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/01/2020**

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. 341/2019 registered at Police Station-Deendayal Nagar, Raipur, District-Raipur (C.G.) for the offence punishable under Section 302/34 of the IPC.
2. The prosecution story, is that complainant Sourabh Banjare lodged a report that on intervening night of 02-03 October, 2019 a dispute arose between the complainant and the deceased Mahant Pathak @ Bulthu Pathak and the present applicant with his father on account of quarrel occurred among them which led to fight during which the father of the applicant took out a licensed pistol and started continuous firing at the informant and Mahant Pathak and at that time Mahant Pathak was shot in his chest and subsequently the doctor declared him dead. Based on this, offence has been registered against the present applicant and other co-accused.

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 main allegation against the co-accused and the present applicant is an engineering student. The applicant is in jail since 06.11.2019, 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.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that main allegation against the co-accused and the present applicant is an engineering student. The applicant is in jail since 06.11.2019 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**