

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 331 of 2021**

- Raja Mende @ Rishabh Mende, S/o Anil Mende, Aged About 25 Years, R/o Lingyadih Atal Awas, P.S. Sarkanda, District- Bilaspur (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station- Sarkanda, District- Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. P.K. Tulsyan Adv.
For Respondent/State	: Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.02.2021**

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. 845/2019 registered at Police Station- Sarkanda, District- Bilaspur (C.G.) for the offence punishable under Sections 294, 506, 307, 323, 302/34 of IPC & U/s 25, 27 of Arms Act.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn vide order dated 16.09.2020 passed in MCRC No. 4704/2020 by this Court.
3. The prosecution story, in brief is that, on 16.09.2019 some quarrel took place between the complainant and accused persons. Accused persons assaulted the deceased with an intention to kill him, thereafter, deceased sustained injuries and during treatment he died. Thereafter, offence has been registered against the present applicant and other co-accused persons.
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 eye-witnesses have not supported the prosecution case and turned hostile and applicant is in jail since 28.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. 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.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that eye-witnesses have not supported the prosecution case and turned hostile and applicant is in jail since 28.09.2019, 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.
8. 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