

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 971 of 2021**

- Dikesh Kumar Ratre S/o late Raghuram Ratre, aged about 39 years, R/o Niche Para nearby Jaistambh, Devpur, Police station Sihava, District Dhamtari (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station Nagri, District Dhamtari (C.G.).

---- Respondent

For Applicant	:	Shri Ravindra Sharma, Advocate.
For Respondent	:	Shri Rakesh Sahu, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/02/2021**

Heard.

Admit.

1. The applicant has preferred this **second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.74/2019, registered at Police Station – Nagri, District Dhamtari (C.G.) for the offence punishable under Sections 302, 201, 120-B r/w 34 IPC.
2. Earlier bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses.
3. The allegation against the present applicant is that he along with other co-accused persons entered the house of deceased Rakesh Sonwani and committed his murder by strangulation at night. Based on this, offence has been registered. The present applicant has been taken into custody on 09.09.2019.
4. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that all the material witnesses including memorandum witnesses namely Narayan Netam (PW/4) and Anjor Netam (PW/7), have been examined in the case and they have not supported the prosecution case before the trial Court. He also submits that the main allegation is against co-accused person and the present applicant has been implicated in the case only on account of having illicit relation with deceased, in fact, the present applicant was not present at the time of commission of murder of deceased. He next submits that the applicant is languishing in jail from 09.09.2019 and considering the detention period of the applicant, he may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the case diary, including the statements of material witnesses.
7. Considering the totality of the facts and circumstances of the case, in particular the statement of Narayan Netam (PW/4) and Anjor Netam (PW/7), and further considering the detention period of the applicant, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge