

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1099 of 2021**

- Shankar Painkra S/o Ghurau Painkra Aged About 32 Years R/o Village Karvarjor, P.S. Lailunga District Raigarh Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Officer In Charge, Police Station Lailunga, District Raigarh Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Ashutosh Mishra, Advocate.
For Respondent/State	:	Mr. Rakesh Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.02.2021**

The applicant has filed **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 46/2019 registered at Police Station: Lailunga, District Raigarh (C.G.) for the offence punishable under Section 302 of the IPC.

The first bail application of the applicant was dismissed as withdrawn on 17.12.2019 passed in MCRC No. 6030/2019.

As per the prosecution case, the allegation against the present applicant is that on 10.03.2019 at about 12.00 PM, the applicant, with intention to kill the deceased namely Gyaniram Chauhan, assaulted him with the help of sharp edged weapon resulting in death of Gyaniram. Based on that, after completion of investigation, the applicant has been arrested.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Referring to Annexure A-3, he would contend that the prosecution witnesses Banduram Minj (PW-3) as well as Devan Singh (PW-5) has not supported the prosecution case and stated nothing against the present applicant. He further contended that the applicant is in jail since 10.03.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

Per contra, learned State counsel opposes the bail application and submits that prosecution witness Sagan Khan (PW-8) has clearly stated in his statement that the deceased Gyaniram has been murdered by the present applicant and at the instance of the present applicant the said weapon has been seized by the police in his (Sagan Khan) presence, therefore, looking to nature of the crime, he may not be granted bail.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature and gravity of the crime, at this stage, I am not inclined to release him on bail.

Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**