

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1442 of 2021**

- Lokesh Sori @ Loku (Wrongly Mention As Soni), S/o Motiram, Aged About 18 Years, R/o Village Salhetola, Police Station- Charama, District Uttar Bastar Kanker Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through Police Station Bhanupratappur, District U.B. Kanker Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Adv.
For Respondent/State	: Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.03.2021**

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. 107/2019 registered at Police Station- Bhanupratappur, District U.B. Kanker (C.G.) for the offence punishable under Section 302/34 of IPC.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses vide order dated 23.09.2020 passed in MCRC No. 5333/2020 by this Court.
3. The prosecution story, in brief is that, it has been alleged that applicant along with other co-accused persons strangled the deceased namely Paleshwar with rope. Based on this offence has been registered against the applicant and he has been taken into custody on 28.06.2019.
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 all prosecution witnesses including memorandum and seizure witnesses have not supported the prosecution case before trial Court and turned hostile. It is submitted that the applicant is in jail since 28.06.2019, 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 all prosecution witnesses including memorandum and seizure witnesses have not supported the prosecution case before trial Court and turned hostile. The applicant is in jail since 28.06.2019, 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**