

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1713 of 2021

- Krishna Kumar @ Rinku Tiwari S/o Ashok Tiwari Aged About 35 Years R/o Barvikutiva , Police Station Dehat, Kotwali Tahsil District Sultanpur Uttar Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pipariya, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant : Shri Harshawardhan Jaiswal, Advocate
For Respondent /State : Dr.Veena Nair, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board By Virtual Hearing

31/05/2021

The applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 78/2020 registered at police station Pipariya, Kabirdham (CG) for the offence punishable under Sections 307,294,120/34 IPC and Sections 25 and 27 of the Arms Act.

Earlier bail application filed on behalf of the applicant has been rejected on merits vide order dated 28.08.2020 in M.Cr.C. No. 4998/2020.

As per prosecution case, there was some election dispute between the complainant and the present applicant as a result of which along with co-accused fired gun shot injury on the complainant.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that He submits that similarly placed co-accused have been granted bail by this Court and therefore the present applicant may also be granted the benefit. He submits that the applicant is in jail since 21.04.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application and submits that the co-accused have been granted bail on the ground that they were not present at the spot. It is also submitted that the gun was also seized from the possession of the applicant.

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that the weapon of offence was seized from the present applicant, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Vacation Judge