

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1476 of 2021**

- Som Bhilepariya S/o Late Laxman Bhilepariya Aged About 22 Years R/o Village- Amdi (M.), Police Station- Gariyaband, District- Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Gariyaband, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Pushplata Khalkho, Adv.
For Respondent/State	:	Ms. Ishwari Ghritlahre, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/02/2021**

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. 185/2019 registered at Police Station - Gariyaband, District-Gariyaband (C.G.) for the offence punishable under Section 302 of the IPC.
2. The first bail application of the applicant was dismissed with liberty to renew the bail application after examination of eye-witness by this Court on 30.06.2020 in MCRC No. 7376/2019.
3. The prosecution story, in brief is that, a merg intimation was registered at the instance of Lokesh Jangade, in which, he stated that on the date of incident, the sister-in-law of applicant came to the house and informed him that the applicant is beating deceased Gyan Das, on which, the complainant reached to the house of applicant and saw that the applicant was hold scissor in his hand and by that the applicant assaulted to the deceased and committed murder. Based on this offence has been registered against the present

applicant and arrested him on 23.07.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. She further submits that when the applicant reached home he saw that the deceased was sharing bed with the sister-in-law of applicant, on which, the applicant tried to call the other family members, but the deceased and the sister-in-law of applicant attempted to assault with the applicant with the help of scissor and when the applicant tried to make his defence, the incident took place. She next submits that the applicant is in jail since 23.07.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the eye-witness has given her deposition, in which, she clearly deposed that the applicant assaulted to the deceased near the chest with scissor, due to this, the deceased died, therefore, the present applicant may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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