

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3315 of 2021**

- Mohammad Asif S/o Late Mohd. Farukh Aged About 27 Years R/o House No. Lig-117 Housing Board Colony Sejbahar Police Station Mujgahan District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Mujgahan, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajeev Shrivastava Senior Counsel with Mr. Sourabh Sahu, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/07/2021**

The matter is heard through video conferencing.

Heard.

Admit.

1. The accused/applicant has moved this **third bail** application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 155/2017 registered at Police Station - Mujgahan, District- Raipur (C.G.) for the offence punishable under Sections 341, 302 and 302/34 of the IPC.
2. The second bail application of the applicant was dismissed by this Court vide order dated 05.08.2020 in MCRC No. 4093/2020.
3. The prosecution story, in brief is that the complainant lodged a report that on 15.06.2017 when complainant along with Bablu alias Irfan was coming back from his father's house by Car bearing Registration No. M.P. 28-BD-0088, when they reached near about Datrenga Road then two unknown

persons came there by motorcycle and stopped their motorcycle in-front of the said car, to saw that Bablu alias Irfan cried Asif and at that time, Asif shoot the Bablu alias Irfan on his head due to this, Bablu alias Irfan died on the spot. Based on this offence has been registered against the present applicant.

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 the sole eye-witness has been examined and there has a contradiction in his statement. He next submits that the applicant is in jail since 24.06.2017, 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, learned counsel for the State opposing the bail application and submits that there is clear evidence against the present applicant showing his involvement in the case and the applicant is a habitual offender. Thus, it is not a fit case where applicant may 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, gravity of offence, and further considering that the first bail application of the applicant was dismissed on merit and since than there is no change in circumstances, 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. However, the trial Court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of six months from the date of receipt of copy of this order.

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