

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3943 of 2021**

1. Omkar Rajak @ Ravi, S/o Shri Arjun Rajak, Aged About 18 Years, R/o Ramsagarpara Ward Dhoubi Chowk Dhamtari Thana, Tahsil & District Dhamtari Chhattisgarh.
2. Mukesh Dhruv @ Chiku, S/o Late Shri Nandu Dhruv, Aged About 19 Years, R/o Ramsagarpara Ward Dhoubi Chowk Nayapara, Dhamtari Thana, Tahsil & District Dhamtari Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sunil Sahu, Adv.
For Respondent/State	: Mr. B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30.06.2021**

1. Heard.
2. The accused/applicants have moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 184/2019 registered at Police Station- City Kotwali, Dhamtari, District- Dhamtari (C.G.) for the offence punishable under Sections 302, 120-B/34 of IPC and Section 25 & 27 of Arms Act.
3. The first bail application of the applicants was dismissed as withdrawn with liberty to revive the same after examination of the eye-witnesses vide order dated 24.06.2020 passed in MCRC No.

2029/2020.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that charge-sheet has been filed and there is nothing against the applicants except memorandum of the co-accused person. He next submits that other co-accused have been granted bail in MCRC No. 2980/2021 and PW-4, Hemendra Dewangan, the sole eye-witness was examined before the trial Court and he has not supported the prosecution case. The applicants are in jail since 01.05.2019 and there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case records.
7. Taking into consideration the nature and gravity of the offence, totality of the facts and circumstances of the case, quality of evidence, in particular the co-accused persons have been granted bail in MCRC No. 2980/2021 by this Court and PW-4, Hemendra Dewangan, the sole eye-witness was examined before the trial Court and he has not supported the prosecution case. The applicant is in jail since 01.05.2019 and 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 applicants on bail. Accordingly, the application is allowed.
8. Accused/applicants are directed to be released on bail on their 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. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge