

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4604 of 2021**

- Ajaj Ali @ Monu, S/o Niyaz Ali, Aged About 29 Years, R/o Near Amin Kirana Store, Sanjay Nagar, Police Station Tikrapara, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station Tikrapara Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Krishna Kumar Dixit, Adv.
For Respondent/State	:	Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.09.2021**

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. 365/2019 registered at Police Station- Tikrapara Raipur, District- Raipur (C.G.) for the offence punishable under Section 302 of IPC and Section 25, 27 of Arms Act.
2. The first bail application of the applicant was rejected on 15.06.2020 passed in MCRC No. 3138/2020 by this Court.
3. The second bail application of the applicant was dismissed for want of prosecution vide order dated 03.02.2021 passed in MCRC No. 7608/2020 by this Court.

4. The prosecution story, in brief is that, on 25.05.2019, some money dispute arises between the appellant and the deceased and appellant assaulted the deceased with knife as a result of which, deceased died. Based on this, offence has been registered against the applicant and he has been taken into custody on 25.05.2019.
5. 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 prosecution witness Mohammad Irfan (PW-8) has not supported the case of prosecution and declared hostile. He next added that incident has occurred suddenly and there is no intention of the applicant to kill the deceased and the applicant is in jail since 25.05.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime and it is not a fit case to release him on bail.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the facts and circumstances of the case and looking to the fact that the first bail application has been rejected on merits and there is no change in the facts and circumstances of the present case, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected. However, the trial court is directed to conclude the trial as expeditiously as possible preferably within a period of six months.

Sd/-
(Rajani Dubey)
Judge