

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5196 of 2021**

- Ahsan Khan, S/o Neyajuddin Khan, Aged About 30 Years, R/o Pratappur, Post Belchampa, P.S. Gadhwa, District- Gadhwa, Jharkhand.

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station Bhupdevpur, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dheerendra Pandey, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.09.2021**

1. The matter is heard through Video Conferencing.
2. 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. 162/2019 registered at Police Station- Bhupdevpur, District- Raigarh (C.G.) for the offence punishable under Sections 307, 302 of IPC.
3. The first bail application of the applicant was dismissed as withdrawn with liberty to renew his bail application after examination of eye witness Chhabilal Bareth vide order dated 25.02.2020 passed in MCRC No. 306/2020 by this Court.
4. The prosecution story, in brief is that the applicant has assaulted the deceased Dharmendra Prajapati with an intention to kill him, as a result of which, deceased sustained grievous injuries on his right leg and chest. Thereafter, deceased died during treatment. Thereafter, present applicant has been taken into custody.
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 all independent eye witnesses have not supported the prosecution case before the trial court and turned hostile. He next added that the applicant is in jail since 28.09.2019, 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 and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that all independent eye witnesses have not supported the prosecution case before the trial court and turned hostile and applicant is in jail since 28.09.2019, 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 applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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