

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6703 of 2021

1. Shiv Kumar Baiga, S/o Durdeshi Aged About 30 Years,
2. Ram Singh Baiga, S/o Durdeshi Aged About 37 Years,
R/o. Village Kurdar, Tahseel Kota, Chowki Belgahna, Thana
Kota, District Bilaspur (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh Station House Officer, Police Station Kota,
District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Ms. Shital Soni with Mr. Ramawatar Mishra, Advocates.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

28/09/2021

- 1) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 4796/2021 was dismissed as withdrawn on 29/07/2021.
- 2) The Applicants are in custody since 29/01/2021 in connection with Crime No. 70/2021, registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Section 302/34 of Indian Penal Code.
- 3) Allegation against the present applicants are that on 28/01/2021 at around 07 PM, in furtherance of their common intention they assaulted the deceased Mahanguram Baiga with club and sticks and thereby committed his murder. On report being lodged to the above effect, offence has been registered against the

accused persons.

- 4) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that all important prosecution witnesses have turned hostile and not supported the prosecution case. He submits that the applicant is in jail since 29/01/2021, there is no apprehension of the applicants tampering with the evidence or absconding and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard the learned counsel appearing for the parties.
- 7) Considering the facts and circumstances of the case, the gravity of offence, the fact that till date as many as 07 witnesses have been examined, as per impugned order dated 18/08/2021 nine witnesses remained to be examined, the trial appears to be in progress, though some of the witnesses so far have turned hostile, their evidence cannot be appreciated by this Court at this Stage and other material available in the case diary, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant