

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7069 of 2020**

- Mahesh Sahu S/o Chandrakumar Sahu Aged About 19 Years
R/o Kabir Ward No. 16- Mungeli, Police Station Mungeli District
Mungeli Chhattisgarh,

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Mungeli
District Mungeli Chhattisgarh,

---- Respondent

For Applicant	:	Ms. Sonia Kuldeep, Advocate.
For Respondent	:	Shri Samir Uraon, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/01/2021**

1. The applicant has preferred this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.430/2019, registered at Police Station – Mungeli, District Mungeli (C.G.) for the offence punishable under Sections 302, 307, 120-B, 212, 34 IPC.
2. Earlier bail application of the applicant was dismissed as withdrawn.
3. The prosecution story, in brief, is that on the date of incident, because of some previous dispute, main accused namely Saurabh Chauhan along with other co-accused persons arrived at the spot of incident and poured petrol mixed with the acid on Omprakash and then it is alleged that co-accused Zakir Khan lighted a matchstick and threw it on deceased Om Prakash as a result of which he sustained burn injuries and died. During investigation, memorandum of co-accused persons were recorded in which the name of present applicant was taken. Based on this, offence has been registered. The present applicant has taken into custody on

04.07.2019.

4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the case. She further submits that the only allegation against the present applicant is that he accompanied the co-accused persons and dropped them. She also submits that Salaru (PW/1) and Prakash Soni (PW/2) have not stated anything adverse against the present applicant and turned hostile. She also submits that vide order dated 09.12.2020 passed in MCRC No.5540/2020, other co-accused person namely Nilesh Raj has already been granted bail by this Court. She further submits that the applicant is in custody since 04.07.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 04.07.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge