

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7597 of 2020**

- Munne Khan @ Sahil Khan, S/o Munshi Raza Khan, Aged About 36 Years, R/o Village Patti, Police Station- Patti, District- Pratapgarh (U.P.), Present Address Ward No. 2, Maa Karma Ward, Kailash Nagar, Kawardha, Police Station & Tahsil Kawardha, District- Kabirdham Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- District Magistrate, Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	: Mr. Rakesh Kumar Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.02.2021**

1. 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. 78/2020 registered at Police Station- Pipariya, District- Kabirdham (C.G.) for the offence punishable under Sections 307, 294, 120-B r/w 34 of IPC & Section 25, 27 of Arms Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses vide order dated 28.08.2020 passed in MCRC No. 4586/2020 by this Hon'ble Court.
3. The prosecution story, in brief is that information was received by the Police Station Pipariya that husband of sarpanch has been shot by some unknown persons. It is alleged that on enquiry being made, the present applicant and other co-accused persons have been arrested.
4. 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 other co-accused persons have been granted bail in MCRC No. 2350/2020 vide order dated 18.06.2020. He next added that the present applicant is not a main accused and he is in jail since 20.04.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that mobile and motorcycle have been seized from the possession of the applicant and the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that except memorandum and seizure of one motorcycle, nothing adverse is against the applicant. The other co-accused persons have been granted bail in MCRC No. 2350/2020. The applicant is not a main accused and he is in jail since 20.04.2020, 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.
8. 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