

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7780 of 2020**

- Rahul Nirmalkar, S/o Sant Raam Nirmalkar, Aged About 24 Years, R/o Village B.S.U.P. Colony Saddu Police Station- Vidansabha Raipur, District- (Revenue & Civil) Raipur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Police Station- Palari, District- (Revenue & Civil) Balodabazar Bhatapara Chhattisgarh.

---- Respondent

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

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.02.2021**

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. 121/2020 registered at Police Station- Palari, District- (Revenue & Civil) Balodabazar Bhatapara, (C.G.) for the offence punishable under Sections 147, 148, 307, 302/34 of IPC and Section 25 & 27 of Arms Act.
2. The first bail application of the applicant was dismissed vide order dated 27.08.2020 passed in MCRC No. 4286/2020 by this Court.
3. The prosecution story, in brief is that, the complainant lodged a report alleging that on 13.03.2020, at about 6.00 PM, deceased was going to purchase wine, at that time, some persons came by a car bearing Registration No. C.G. 4HK 9017 in which one person kept his hand inside the pocket of deceased then a quarrel took place between them and that accused person started abusing the deceased. Thereafter, they all started beating him and assaulted him by knife. As a result of which, deceased died on spot. Based on this, offence has been registered. Present applicant has been taken

into custody on 14.03.2020.

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 applicant is not a main accused and there is no evidence against him. He next added that other co-accused persons have been granted bail in MCRC Nos. 4747/2020 & 5888/2020. The applicant is in jail since 14.03.2020, 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 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 applicant is not a main accused and other co-accused persons have been granted bail in MCRC Nos. 4747/2020 & 5888/2020. It is submitted that main allegation is against Lokesh and Neeraj who have assaulted with knife. The applicant is in jail since 14.03.2020 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