

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8398 of 2020**

- Raja Babu Bharti, S/o Bandharu, Aged About 20 Years, R/o Minimata Chowk, Sant Ravidas Ward Police Station And Tahsil Bhatapara (City), District Balodabazar-Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Police Station Bhatapara (City), District Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahul Agrawal, Adv.
For Respondent/State	: Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.03.2021**

1. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 404/2019 registered at Police Station- Bhatapara (City), District Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 302, 120-B, 201, 34 of IPC & Section 25, 27 of Arms Act.
2. The prosecution story, in brief is that, on 05.10.2019, the applicant along with other co-accused persons made a conspiracy of murder of the deceased and subsequently the co-accused namely Ramu Yadav killed the deceased by shooting with gun. Thereafter, offence has been registered against the present applicant and other co-accused persons.
3. 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 the present applicant is not a main accused. The applicant is in jail since 15.10.2019, charge-

sheet has already been filed and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that Rs. 200/- has 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.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the present applicant is not a main accused and only Rs.200/- has been seized from the possession of the applicant. The applicant is in jail since 15.10.2019 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.
7. 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**

Ruchi