

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8418 of 2020**

- Bhushan Nishad S/o Late Balaram Nishad Aged About 19 Years R/o Bramhdei Para, Khamtra, Near Bazar Chowk, Police Station Khamtra, District (Revenue And Civil) Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Khamtra, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Yogesh Pandey, Adv.
For Respondent/State	:	Ms. Ishwari Ghritlahre, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/03/2021**

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. 88/2020 registered at Police Station - Khamtra, Raipur, District-Raipur (C.G.) for the offence punishable under Sections 294, 506, 323, 324, 302, 34 of the IPC and 25, 27 of Arms Act.
2. The prosecution story, in brief is that, on 22.02.2020 at 5:00 pm., when complainant Ayush Singh was driving his Honda Activa along with Sai Kiran. At that instance other main accused person namely Rudra Kumar Sahu & Yogesh Bharti @ Sonu while driving their bike rashly and negligently overtake the complainant and his friends. Complainant raised objection about overtaking then at that time accused person namely Rudra Kumar Sahu and Yogesh Bharti @ Sonu abused the complainant and his friends. Thereafter, after some time the accused person came along with present applicant and

started quarrelling with the complainant and his friends. At that instance Rudra Kumar Sahu stabbed Sai Kiran with the help of knife, resulted complainant sustained injuries. Thereafter, Sai Kiran was admitted to the hospital later on where he was declared dead. Complainant Ayush Singh lodged report before police station and on the basis of which the accused persons including present applicant were arrested. Based on this 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 In first stage of the quarrel the present applicant was not present at the place of incident and on the second stage present applicant was called for because there was some hot words exchanged between the parties. He next submits that the prosecution itself shows that Rudra Kumar Sahu had stabbed the deceased with the knife and the present applicant quarreled with other person. He also submits that the applicant is in jail since 23.02.2020, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the applicant accomplice in the said crime. Therefore, the present applicant may not be granted bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**

