

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9526 of 2020**

- Dilip Rai @ Golu, S/o Amar Nath Rai, Aged About 23 Years R/o Village - Paroua, Police Station - Gourabasapur, District - Jounpur, (Uttar Pradesh) At Present R/o Near Jaldevi Temple, Basaie East, Police Station - Gouraiepada, District - (Revenue And Civil) Palghar Mumbai, (Maharashtra) **---- Applicant**

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station - Tikerapara, District - Raipur Chhattisgarh., **---- Non-applicant**

For Applicant	:	Mr. Yogesh Pandey, Advocate.
For State	:	Dr (Ms) Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****5-2-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 5-1-2020 in connection with Crime No.6 of 2020 registered at Police Station Tikerapara, District Raipur (CG) for the offence punishable under Section 302/34 of IPC.
2. The case of the prosecution, in brief, is that on 2-1-2020 informant Vijay Pateria reported the matter to Police that one person namely Rakesh was lying down having gunshot injury and was still alive. Thereafter, police came to the spot and admitted the deceased to hospital where the deceased was found dead. During investigation it was found from the memorandum of the

accused persons that on account of there being dispute regarding share of the articles earlier looted by them, the applicant and co-accused called the deceased near Bariyalband Power Station and was shot by co-accused Anupam Jha by gun.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, applicant has not played any role in commission of the above offence and it is the main accused namely Anupam Jha who shot the deceased by gun. He further submits that the prosecution has failed to establish necessary ingredients of Section 34 of IPC. He would further submit that charge sheet has been filed, applicant is in jail since 5-1-2020 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that apart from present one, applicant is involved in other cases i.e., offence punishable under Section 302, 397 of IPC in connection with Crime No.263 of 2016, Section 392/34 of IPC in connection with Crime No. 314 of 2018, Section 307, 394, 397 of IPC and Sections 25 & 27 of the Arms in connection with Crime No. 33 of 2019.
5. I have heard learned counsel for the parties and perused the case diary.

6. Considering the facts and circumstances of the case, gravity of the offence, looking to the serious criminal antecedents of the applicant, the material collected by the Investigating Officer against the applicant available in the case diary, without commenting anything on merits of the case, I am of the opinion that it is not a fit case to grant bail to the applicant.
7. Accordingly, the application is rejected.

Sd/-

(Gautam Chourdiya)
Judge

Raju