

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4928 of 2022

- Jamuna Prasad Ratiya, S/o Bhupdev Rathiya, Aged About 35 Years, R/o Village Dhoram, P.S. Gharghoda, Distt. Raigarh (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station- Gharghoda, District- Raigarh (C.G.).

---- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Adv.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

29.08.2022

Heard.

1. The accused/applicant has preferred this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 136/2021 registered at Police Station- Gharghoda, District- Raigarh, (C.G.) for the offence punishable under Sections 147, 148 & 302/34 of IPC.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn with liberty to file afresh as and when occasion arises vide order dated 23.09.2021 passed in MCRC No. 6487 of 2021 by this Court.
3. The prosecution story, in brief is that, it has been alleged against the applicant that he along with other co-accused has committed murder of the deceased on account of some dispute took place between the parties. Thereafter, offence has been registered against the applicant and he has been taken into custody.
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 memorandum and seizure witnesses have already been examined before the learned trial Court and they have not supported the prosecution case. He also submits that the statement of Pawan Rathiya, the main witness of this case could not be recorded because he has died during the pendency of the trial. He next contends that co-accused persons have been granted bail by this Court vide order dated 08.08.2022 passed in MCRC No. 5272 of 2022. He further contends that applicant has not previous criminal record of the similar nature and he is in jail since 24.06.2021, 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 to released the applicant on 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 detention period of the applicant and the fact that co-accused persons have been granted bail by this Court vide order dated 08.08.2022 passed in MCRC No. 5272 of 2022, there is no likelihood of his case being decided in near future, 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**