

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 1631 OF 2016**

Shahbaz S/o Harun Khan aged about 25 years  
 Occupation Electrician R/o Kadmi Chowk Barejpara  
 Police Station City Kotwali Ambikapur Tahsil Ambikapur  
 District Surguja (Chhattisgarh) (Father name and P.S.  
 Complete not mentioned in the order dated 23.02.2016)

**---Applicant****Versus**

State of Chhattisgarh, through Police Station City Kotwali  
 Ambikapur District Surguja (Chhattisgarh)

**---Non-applicant**


---

|                   |   |                              |
|-------------------|---|------------------------------|
| For Applicant     | : | Mr. Vikash Pandey, Advocate, |
| For-Non-applicant | : | Mr. Vivek Singhal, P.L.      |

---

**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****17/03/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 557/2015, registered at Police Station City Kotwali, Ambikapur District Surguja (C.G.), for

the offence punishable under Sections 294, 506, 323, 302 R/w 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant and three other co-accused persons murdered Mohd. Ismail on 30/09/2015 and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that co-accused person Ritesh has already been granted bail and case of present applicant is similar to him. He would lastly submit that charge sheet has been filed and applicant is in jail since 14/11/2015, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and

circumstances of the case; further taking into consideration the nature and gravity of offence; testimony of eyewitness Manish Upadhyay and material collected by the prosecution, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**