

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2367 of 2018**

Riyaj Mohd. Momin @ Riyaj Khan, S/o Late Jafar Mohd, aged about 39 years, R/o Near Mata Mandir, Patharaguda, present address School Para Dhurguda, P.S. Kotwali, Jagdalpur, District Bastar, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Police Station Kotwali, District Bastar, Chhattisgarh

---- Respondent

For Applicant	:	Shri Praveen Kumar Tulsyan, Advocate
For Respondent	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****1.5.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.466 of 2017 registered at Police Station Kotwali, District Bastar for offence punishable under Section 302 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the Applicant is son-in-law of deceased Ram Singh and he has committed murder of Ram Singh due to some dispute arose between them. During investigation, on the basis of memorandum statement of the Applicant, police seized the articles which were used by the Applicant for commission of the offence.
3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent. He has falsely been implicated in the case.

From the evidence collected by the prosecution, no offence under Section 302 of the Indian Penal Code is made out.

4. Learned Counsel appearing for the Respondent/State opposes the bail application. He submits that sufficient evidence is available against the Applicant to establish his involvement in the offence. He further submits that the Applicant has also made extra judicial confession.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case and the evidence collected by the prosecution against the Applicant, I am not inclined to enlarge him on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
JUDGE