

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9377 of 2018

- Rishabh Malhotra S/o Raju Malhotra Aged About 22 Years R/o Near Raja Rajeshwari Mandir, Katoratalab, Thana- Civil Line, Raipur, Tahsil And District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- New Rajendra Nagar- Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Syed Imtiaz Ali, Advocate.
For Respondent/State	: Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/01/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 45/2018, registered at Police Station New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Sections 302, 120 (b), 404, 201/34 of the IPC.
2. As per the prosecution story, present applicant ran a medical store at Mata Parisar, Raipur (C.G.) for which he obtained the license on the name of his brother Taranjeet. Allegations against the present applicant is that on the intervening night of 12-03-2018 & 13-03-2018, he along with co-accused Akash Godar (juvenile) due to some previous dispute murdered Siddharth Golchha. During course of investigation, on the basis of memorandum statement of the present applicant two chains one bracelet of deceased Siddharth Golchha have been seized from his possession and he has been arrested on 13.03.2018.

3. Learned counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that no test identification parade has been conducted by the prosecution. There is no direct evidence available on record against the present applicant. The applicant is in jail since 13-03-2018 and trial will take some time to conclude. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that in this case, the main accused is the present applicant, therefore, he may not be released on bail.
5. I have heard learned Counsel for both the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on merits of the case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)

Judge