

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4644 of 2020**

Roshan Sahu, S/o Santosh Sahu, Aged about 20 years, R/o village Rajkudi, PS, Tahsil & District Bemetara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: PS Bemetara, District Bemetara (C.G.)

---- Respondent

For Applicant : Mr. Amit Kumar Sahu, Advocate.
For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board**

16/09/2020

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 21/2020 registered at Police Station- Bemetara, District Bemetara (C.G.) for the offence punishable under Section 302 of the Indian Penal Code, 1860.
2. As per the prosecution case, on 11.01.2020, father of the deceased namely Goverdhan Nishad lodged a missing report stating that on 09.01.2020 in the noon his daughter gone to seen the Navdha Ramayan in the village but she was not returned then he searched hereabouts till the nights, when he not found then lodged the report. On 12.01.2020, one Janak Sinha went to his farm and he had seen the dead body of a girl was lying in his farm then he informed to the villagers and intimated to the police on this basis of the police registered Dehati Nalishi and FIR against unknown person. During the course of investigation, the present applicant has been taken into custody. After investigation, charge-sheet has been filed against the present

applicant.

3. 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 the applicant was having love affair with the deceased and he also submits that the applicant has been arrested only on the basis of the memorandum and there is no other clinching and connecting evidence against the present applicant. He next submits that the applicant is in jail since 13.01.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the present applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**

Vasant