

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4286 of 2020**

- Rahul Nirmalkar, S/o Sant Raam Nirmalkar, Aged About 24 Years, R/o Village B.S.U.P. Colony, Saddu Police Station-Vidansabha Raipur District (Revenue & Civil) Raipur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Police Station- Palari, District (Revenue & Civil) Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Jhawar, Adv.
For Respondent/State	: Mr. Vimlesh Bajpayi, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.08.2020**

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. 121/2020 registered at Police Station- Palari, District (Revenue & Civil) Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 147, 148, 307, 302/34 of IPC and Sections 25 & 27 of Arms Act.
2. The prosecution story, in brief is that, the complainant lodged a report alleging that on 13.03.2020, at about 6.00 PM, deceased was going to purchase wine, at that time, some persons came by a car bearing Registration No. C.G. 4HK 9017 in which one person kept his hand inside the pocket of deceased then a quarrel took place between them and that accused person started abusing the deceased. Thereafter, they all started beating him and assaulted him by knife. As a result of which, deceased died on spot. Based on this, offence has been

registered. Present applicant has been taken into custody on 14.03.2020.

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 is in jail since 14.03.2020, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that applicant has also been recognized in TIP Parade and the offence committed by him is of serious in nature, so, 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**

Ruchi