

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4671 of 2020**

- Vijay Kumar Soni S/o Late Sarju Prasad Soni aged about 38 years, R/o Bartunga colony, Old Mines, Qt. No. M/142, Police Station-Chirmiri, District-Korea, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station-Odgi, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. D. Kushwaha, Adv.
For Respondent/State	: Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/08/2020**

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. 89/2019 registered at Police Station Odgi, District-Surajpur (C.G.) for the offence punishable under Sections 302 and 201 of IPC.
2. The allegation against the present applicant is that, applicant has killed the deceased Manmati by strangulation. Based on this offence has been registered against the present applicant and he has been taken into custody on 28.12.2019.
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 nothing incriminating has been seized from the applicant and there is no eye-witness who saw the applicant in the house of the deceased. He also submits that the applicant is in jail since 28.12.2019, 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 the applicant did a very serious offence. The applicant has killed the deceased by strangulation and there are eye-witnesses who saw the applicant near the house of the deceased, therefore, no case is made out to release the applicant 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**