

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4724 of 2020**

Mohd. Riyaz Khan @ Chhotu, S/o Late Lal Khan, Aged about 24 years, R/o Koshanagar, Supela, Bhilai, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, PS Purani Bhilai, District Durg (C.G.)

---- Respondent

For Applicant : Mr. Praveen Dhurandhar, Advocate.
For Respondent/State : Ms. Sunita Jain, 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. 14/2018 registered at Police Station- Purani Bhilai, District Durg (C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code, 1860.
2. As per the prosecution case, a merge intimation was given on 10.01.2018 by Bahadur Singh Bagh regarding unknown dead body of a male. Subsequently, investigation was made and it was revealed that the sharp weapon, the deceased was assaulted and due to which he died. Subsequently, the FIR was registered against the unknown persons on 10.01.2018 and in which the applicant along with other five accuses persons were arrested and their memorandum was recorded, in which it was discovered that the applicant along with other co-accused persons committed murder of the deceased.
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 present applicant has been implicated only on the basis of the memorandum and there is no other evidence against the present applicant. He next submits that the applicant is in jail since 24.01.2018, 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