

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4958 of 2020**

- Brijesh Pandey S/o Kishan Pandey aged about 30 years, R/o Village Prem Nagar, Kondagaon District-Kondagaon, Chhattisgarh. (Name wrongly mentioned in charge-sheet Barjesh Pandey).

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Police Station-Kondagaon, District-Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pravin Kumar Tulsyan, Adv.
For Respondent/State	: Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/09/2020**

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. 35/2019 registered at Police Station Kondagaon, District-Kondagaon (C.G.) for the offence punishable under Sections 450, 394 and 302/34 of IPC.
2. The prosecution story in brief, is that on 02.02.2019 the complainant lodged a report that at the night of 01.02.2019 deceased Roshan Yadav was murdered by some unknown persons who was the supervisor of the E-com Courier office and looted cash of Rs. 1,50,000/- from the office. During the course of investigation the present applicant was arrested and during interrogation the applicant accepted his crime and stated that along with two other co-accused persons he has committed the crime. Based on this offence has been registered against the present applicant and other co-accused persons. The applicant has been taken into custody on 06.02.2019.

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 police has arrested to the present applicant only on the basis of memorandum of co-accused except that there is no any clinching nature of evidence on record against the present applicant. He also submits that the applicant is in jail since 06.02.2019, 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. There is a finger print of the present applicant at the place of incident, 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**