

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****Order Reserved on 09.08.2021****Order Delivered on 17.08.2021****MCRC No. 4203 of 2021**

1. Ramesh Shrivastava S/o Shri Shyamlal Shrivastava Aged About 38 Years R/o Near Masjid Lalkhadan Mahmand, Thana Torva, District: Bilaspur, Chhattisgarh.

---- Applicant**Versus**

1. State of Chhattisgarh Through Station House Officer, Police Station Torva, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	-	Shri Sunil Sahu, Advocate.
For Respondent/State	-	Shri Sudeep Agrawal, Dy. Advocate General.

Hon'ble Shri Prashant Kumar Mishra, Ag Chief Justice**C A V Order**

1. Heard.
2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.418/2020, registered at Police Station – P.S. Torva,

District- Bilaspur (C.G.) for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 25, 27 of the Arms Act.

3. Applicant alongwith co-accused Sanjay Pandey have committed murder of Billu @ Sunil Shriwas (since deceased) at 8:30 p.m. on 28-12-2020. It is alleged that Sanjay Pandey and another person who was looking like Nagendra Rai came to the place of occurrence on a motor cycle and fired gunshot by means of country made revolver over the deceased.
4. In his diary statement, witness Akash Shriwas has named Sanjay Pandey and another person who was looking like Nagendra Rai, however, in his statement under Section 164 of the Cr.P.C., he has stated that it was Sanjay Pandey and the present applicant who have committed murder of the deceased. Co-accused Sanjay Pandey has disclosed in his memorandum statement, that he and the present applicant have committed the murder of the deceased. The applicant has also disclosed to the police in his memorandum statement that he had gone alongwith Sanjay Pandey to commit murder of the deceased. Case diary also contains statement of Nagendra Rai, who has stated that at the relevant time, he had gone to attend a function at village Limtara, Matwaripara. Thereafter, he returned to his house and had not moved out of his house.
5. Considering the entire facts situation of the case, I am not inclined to release the applicant on bail at this stage. However, liberty is reserved in favour of the applicant to revive the prayer after examination of the material witnesses.

6. Accordingly, the present MCRC is dismissed with the liberty aforesaid.

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri