

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7184 of 2021**

- Nirmal Xalxo, S/o Podha Xalxo, Aged About 45 Years, R/o Village – Farsajudwain, Police Station - Kansabel, District-Jashpur (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Kansabel, District Jashpur (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Jitendra Kumar Saxena, Adv.
For Respondent/State	:	Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.10.2021**

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. 42/2020 registered at Police Station- Kansabel, District-Jashpur (C.G.) for the offence punishable under Sections 302, 201 of IPC.
2. The prosecution story, in brief is that, it has been alleged that applicant has committed murder of the deceased. Based on this, offence has been registered. Present applicant has been taken into custody on 04.06.2020.
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 there is no direct or indirect material available to connect the applicant in commission of murder of the deceased and charge-sheet

has been filed. The applicant is in jail since 04.06.2020, 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 and submits that last seen witness has supported the prosecution case. He further submits that scarf of the deceased has been recovered from the possession of the applicant, therefore, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the record.
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**

R/-