

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8506 of 2020**

Rajnish Kumar Pandey, S/o Shri Rakesh Pandey, Aged about 22 years, R/o as per bail rejection order by lower court Patrapali Kirodomal Nagar, Raigarh, P.S.- Kotara Road, Raigarh, Distt.- Raigarh (C.G.), permanent R/o Vill – Sawan Bagrah Maharanjganj, P.S. - Darounda, Dist. - Siwan (Bihar) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through P.S.- Kotara Road, Distt. - Raigarh (C.G.)

----Non-applicant

For Applicant : Mr. Jai Prakash Shukla, Advocate.
For Non-applicant/State : Mr. Samir Uraon, Govt. Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****01/04/2021**

(1) *The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 125/2020 registered at police Station Kotara Road, Distt. - Raigarh (C.G.) for the offence punishable under Sections 302, 397, 307, 120-B & 398 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.*

(2) Case of the prosecution, in brief, is that on 03/07/2020, the applicant has committed murder cum robbery in ATM in day time. It is alleged that Applicant alongwith other co-accused persons namely Sudhir Kumar Singh and Pintu Kumar committed this effrontery crime by providing motorcycle for smooth commission of crime. Not only money from ATM machine have been looted but also a driver of said cash van had been shot dead.

(3) *Learned counsel for the applicant submits that the applicant has falsely been implicated in the crime in question and no incriminating material against the applicant which held him guilty for commission of offence under Sections 302, 397, 307, 120-B, 34, 398 of IPC read with Sections 25 & 27 of Arms Act. He further submits that the applicant has been arrested on 06.07.2020 and since then he is in jail; charge sheet has already been filed after completion of investigation and, therefore, the applicant be released on bail.*

(4) *On the other hand, learned counsel for the respondent/State opposes the bail application.*

(5) *I have heard the learned counsel appearing for the parties and perused the case diary.*

(6) *Taking into consideration the facts & circumstances of the case and the manner in which the applicant & other co-accused persons alleged to have committed murder-cum-robbery in day time in the ATM premises; and the material collected by the prosecution against the applicant; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.*

Sd/-

(Rajani Dubey)
Judge

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