

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7929 of 2021**

Ravishankar Shrivastava S/o Mohanlal Shrivastava, aged about 31 years R/o Village khongapani, 56 Dafai Ward No. 12, Police Station Jhagarakhand, District Koriya (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police of Police Station Marwahi, District Gourela Pendra, Marwahi (C.G.).

---- Respondent

For Applicant : Mr. Yogendra Chaturvedi, Advocate
For Respondent : Ms. Ishwari Ghrithlahare, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

27/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 82/2021 registered at Police Station- Marwahi, District Gourela Pendra, Marwahi (C.G.) for the offence punishable under Sections 302, 201 and 120-B of the Indian Penal Code.
2. Case of the prosecution in brief is that on 15/06/2021 ASI Dharmendra Yadav received an information regarding dead body of a person. The said body was identified as Raghvendra Patel. After postmortem, it was revealed that the death was homicidal in nature. During the course of

investigation, it was found that the deceased and one Rishi were having friendship. On the basis of call details, other accused persons were also interrogated who confessed the crime and on their memorandum statements, white colored scarf, one scooter and one Baleno car were recovered. During investigation, it was also revealed that before the incident father of the deceased has got Rs. 50 lacs after his retirement and to extort the amount, the applicant along with other co-accused persons took the deceased and committed murder of him. The applicant has been arrested on 16/06/2021.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The case of the prosecution is based on circumstantial evidence. The applicant has been arrested on the memorandum statement of the other co-accused persons. The applicant is driver by profession and he only complied the instructions of his owner. He further submits that the applicant is in jail since 16/06/2021 and trial is likely to take time, therefore, he prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard counsel for the parties.
6. Considering the facts and circumstances of the case, particularly the statement of the car owner Mr. Balchand who has specifically stated that the car was taken by the present applicant and thereafter the alleged crime was committed and further considering the seriousness and gravity of the

offence, this Court is of the opinion that present is not a fit case where the applicant should be enlarged on bail.

7. Accordingly, the bail application is rejected.

Sd/-
(Deepak Kumar Tiwari)
Judge

Rahul