

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4915 OF 2015**

Mohammad Arman S/o Abdul Kalam aged about 54 years R/o Gajinagar
Veergaon Police Station Urla District Raipur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through the Police Station Marwahi District Bilaspur
(C.G.)

---Non-applicant

For Applicant	:	Mr. Rakesh Pandey, Advocate.
For-Non-applicant	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****21/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 102/2012, registered at Police Station Marwahi, District Bilaspur (C.G.), for the offence punishable under Sections 395, 395 read with section 397, 365, 414 of the IPC and Section 25(1)(1B)(a) & 27(2) of Arms Act.

2. Case of the prosecution, in brief, is that, present applicant purchased the Truck, which is alleged to be stolen in commission of dacoity on 04/09/2012 and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that in 16 cases, applicant has been acquitted and at the most, Section 414 of the IPC is made out. He would further submit that there is no allegation of dacoity against the present applicant. He would lastly submit that charge sheet has been filed

and applicant is in jail since 05/10/2012, therefore, he may be released on bail.

4. On the other hand, learned State counsel would opposed the bail application and submit that earlier 21 cases have been registered against the present applicant as he is hardent criminal and in the present case, he has purchased the Truck involved in the commission of dacoity, therefore, the offence under Section 412 of the IPC is made out against him which is punishable with imprisonment for 10 years and fine, as such, he is not entitled to be released on bail.

5. In reply, learned counsel for the applicant would submit that in 16 cases, applicant has already been acquitted and no other five cases are pending against him as alleged by the prosecution.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and applicant is said to have purchased the Truck, which was stolen in the commission of dacoity, this Court is not inclined to release the applicant on regular bail.

8. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE