

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7517 of 2015**

Syed Jafar Shah @ Chhote Khan @ Abhishekh, S/o. Baba Nakhun Khan, Aged about 36 years, R/o. Flat No.: 145, Block: 5, Sector: 6, Bahadurpur Housing MIG Colony, Bhutnath Road, Kankarbag, Patna, Dist.: Patna (Bihar)

---- Applicant**Versus**

State Of Chhattisgarh: Through : The District Magistrate, Raigarh (CG)

-----Non-applicant

For Applicant:	Mr. N. Naha Roy, Advocate.
For Respondent/State:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/02/2016**

Heard.

(1) The accused/applicant has moved 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. 687/2010 (crime number wrongly mentioned in A/2 & A/3) registered at Police Station City Kotwali, Raigarh, District Raigarh for the offences punishable under Sections 342, 347, 397/34 and 201 of Indian Penal Code and Sections 25 & 27 of the Arms Act, 1927.

(2) Case of the prosecution, in brief, is that on 4.10.2010 applicant & three other co-accused persons, by covering their faces with cloth, came into Bank and committed dacoity to the

extent of Rs. 75,49,980/- by injuring Chowkidar by country made pistol and the thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question. He further submits that 9 prosecution witnesses have already been examined; applicant is in detention since 26.04.2014 and the similarly situated co-accused persons namely Subodh Kant Singh @ Chhotu @ Abhishek & Vicky Kumar @ Bicky @ Rajkumar have already been granted second bail by the coordinate Bench of this Court in M.Cr.C. Nos. 1731/2015 & M.Cr.C. No.6850/2015 decided on 23/6/2015 & 1/12/2015, respectively and, therefore, the applicant may also be released on bail on the ground of parity.

(4) On the other hand, counsel for the State submits that the applicant is also the main accused in the said case, and he has obtained Rs. 5,00,000/- from the co-accused; and Rs. 50,000/- has been seized from the possession of the applicant. He further submits that country made pistol, by which the applicant attacked Chowkidar due to which, he suffered various injuries, has been seized from the possession of the applicant. According to him 16 prosecution witnesses have been examined and case of the applicant is distinguishable from the other co-accused persons, who have already been been granted second bail by the coordinate Bench of this Court and looking to the active participation of the applicant in the offence in question, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the

case; and the manner in which applicant and other three co-accused persons by covering their faces with cloth are said to have committed dacoity in the Bank and looted huge public money of Rs. 75,49,980/-; and recovery of Rs. 50,000/- from the possession of the accused/applicant; and further the applicant attacked Chowkidar by country made pistol by which he suffered injuries; and the fact that case of the present applicant is distinguishable to the other co-accused persons, who have been granted bail, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-