

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5528 of 2016

Ashraf Rajwani, S/o Mr. Siddiqui Rajwani, Aged About 20 Years,
R/o Amleedih, Maruti Residency, House No. B /17, Police Station
Rajendra Nagar, Tehsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Ganj, Raipur,
Chhattisgarh.

---- Respondent

For applicant - Shri Ankur Agrawal, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.162/2016 registered in Police Station Ganj, Raipur for offence punishable under sections 394, 120-B of Indian Penal Code.
2. As per the prosecution case, the applicant alongwith other co-accused has looted amount of Rs.12 lakhs from the complainant Ramdas Sahu. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that complainant and seizure witness have not supported the case of the prosecution, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and would submit that 10 witnesses have already been examined and reading of the statement of the witnesses also it cannot be stated the applicant has not committed any offence and therefore the applicant may not be released on bail.
5. Perused the case diary, documents as also statement of witnesses.

One of the witness B.S. Thakur Naib Tahsildar and Mohd Hanif statement are also enclosed. Considering such statement, it is not proper for this court to give finding of innocence at this stage when other evidence is still to be examined as this court cannot delegate itself to the position of the trial court to appreciate evidence. Considering statement which is placed on record, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE