

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5216 of 2017**

- Yusuf Ali S/o Firoz Ali, Aged About 35 Years R/o Ward No. 15, Shikritola, Budhar, District Shahdol (Madhya Pradesh).

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Rajnandgaon District Rajnandgaon (Chhattisgarh).

---- Respondent

 For Applicant : Shri T.K. Jha, Advocate
 For Respondent/State : Shri Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

22.11.2017

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.272/2017, registered at Police Station Kotwali, Rajnandgaon, District Rajnandgaon(CG) for the offence punishable under Section 420 r/w Section 34 of the IPC.
3. As per the case of prosecution, complainant Raja Reddy alighted from the Bus on 3.5.2017 and he was standing at Imam Chowk, Rajnandgaon holding a bag, at that time, the applicant and his friend Firoj Ali @ Musa came to the complainant and impersonated them as Police officials. The applicant and his friend took away the bag of the complainant in which cash of Rs.30,50,000/- was kept. The matter was reported and the applicant was arrested on 22.5.2017. In Test Identification Parade held on 23.5.2017 by the Executive Magistrate, Rajnandgaon, the

complainant identified the applicant as the person who committed offence against him.

4. Learned counsel for the applicant submits that the Test Identification Parade done by the police is of no help to the prosecution and for the seized amount, the applicant shall explain the sources. He submits that charge sheet has been filed and the applicant has been arrested on 22.5.2017 and trial may take some time, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that there is direct evidence of cheating against the applicant for huge amount of Rs.4,50,000/- seized from him.

6. Perused the entire material available on record.

7. From the facts and circumstances of the case, it appears that the applicant made deception to the complainant of his being police official and thereafter, fraudulently took away the amount kept in his bag. The complainant has identified the applicant as offender of the crime.

8. Considering the facts and circumstances of the case and the material collected against the applicant, I am of the opinion that present is not a fit case to enlarge the applicant on bail.

9. Accordingly, the bail application is rejected.

Sd/

**(Ram Prasanna Sharma)
JUDGE**