

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2076 of 2017**

- Sarfaraz Khan S/o Ayaz Khan, Aged About 20 Years R/o Chourasia Colony, Police Station- Tikrapara, Tahsil & District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Tikrapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri C.R. Sahu, Advocate
For Respondent/State	: Shri Wasim Miyam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.4.2017**

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. 515/2016 (wrongly mentioned as 515/2017 in the order sheet), registered at Police Station Tikrapara, Distt. Raipur(CG) for the offence punishable under Sections 454, 380 of the IPC.
3. Learned counsel for the applicant submits that the applicant is in detention since 06.1.2017. After investigation charge sheet has been filed before the J.M.F.C. Raipur pending as Cr. Case No.

1768/2017. He further submits that the revolver stolen is seized from the co-accused Abhishek Singh and from the present applicant one knife has been seized. The co-accused Abhishek Singh granted bail by the coordinate Bench of this Court vide order dated 15.3.2017 in MCRC No.1328/2017. The case of the present applicant is the same, hence, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard the counsel appearing for the parties and perused the material.

6. From perusal of the disclosure statement recorded under Section 27 of the Evidence Act, where the fact regarding “*so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved*”. The case of the present applicant is of the main accused though the said revolver was not seized from him but the said revolver was seized as per the information given by the present applicant.

7. On due consideration as the case of Abhishek Singh and the present applicant is not similar, therefore, grant of bail to Abhishek Singh would not be applicable for the present applicant and both are distinguishable. Considering the fact that the offence

has been registered and the facts surfaced against the present applicant, I am not inclined to grant bail to the applicant.

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

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**