

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1730 of 2018

- Ashif Ahmed S/o Late Wakil Ahmed Aged About 27 Years R/o In Lane Of Mowa Masjid, Mowa Police Station Pandary, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Respondent/State : Mr. Anupam Dubey, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30.04.2018.

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.174/2017 registered at Police Station- Pandary, District – Raipur, (Chhattisgarh) for the offence punishable under Sections 392, 34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 15.09.2017. After completion of the investigation the charge-sheet has been filed. No case is made out against this applicant. Similarly, the co-accused

person has been granted bail by this Court, hence, it is prayed that he also may be entitled for grant of bail.

4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case on the date of incident two unknown persons snatched the gold chain from the neck of the complainant (Sarita Khandelwal). After lodging of FIR, the said chain has been recovered from the possession of the co-accused- (Ashraf Khan) and the same was identified as the looted article by the complainant-herself. It is alleged that this applicant was driving the motorcycle on which the co-accused- (Ashraf Khan) was seated, who committed the act of snatching the chain. Hence, this case.
7. Considering the entire material present in the case diary, the only allegation against the present applicant is this that he assisted the co-accused- (Ashraf Khan). Similarly, placed the co-accused- (Ashraf Khan) has been granted bail by this court, hence, on the ground of parity, I am of the view that this applicant is also entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)
Judge