

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2655 of 2018

- Muharram Ali @ Khustar Rabbani S/o Late Razzak Ahmad Aged About 38 Years Caste- Muslim, R/o- Village- P.H. Road, Korba, Near Jama Masjid, Tehsil And Police Station - Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Champa, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent -

For Applicant	:	Mr. Surfaraj Khan, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/05/2018

1. 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.345/2017, registered at Police Station– Champa, District– Janjgir-Champa(C.G.) for the offence punishable under Sections 395, 397 of Indian Penal Code (for short 'IPC') and Section 27 of Arms Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is a priest (Maulana) of the mosque and he has to conduct prayers of the devotee coming to the mosque. He has no connection with the crime committed. The month of Ramjan is ahead which is very important for a Muslim and being a Maulana this applicant has to be especially engaged in this month for conducting prayers for the Muslims

devotees, hence, it is prayed that he may be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is sufficient evidence in the investigation made so far, regarding the involvement of this applicant in the crime committed. Hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. A dacoity was committed in the office of the Custodian Rioter Safeguard Company Pvt. Ltd. On 26.11.2017 at about 10.30 pm in the night by five unknown persons cash of Rs.63,52,780/-, 12 bore gun and one mobile phone of the complainant were looted by the miscreants. FIR was lodged by the complainant subsequent to which during investigation, this applicant was apprehended and interrogated and according to the statement given by him, it appears that he is the master mind of the incident that is taken place although the statement given by him is not legally admissible but recovery of cash Rs.9,36,000/- and one country made firearm from this applicant is such evidence for which he shall be required to explain in the trial.
6. The investigation is still under way, hence, looking to the evidence that has been collected against this applicant. His application cannot be allowed only for the religious cause, hence. For this reason, I do not feel inclined grant bail to this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge