

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4746 of 2018

- Abdul Jabbar @ Jabbari S/o Abdl Haib, Aged About 62 Years, R/o 3919 Near Jagat Cinema Urdu Bazar, Delhi, P.S. Jama Masjid, Delhi, District : New Delhi, Delhi

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Line, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Yogesh Kumar Gupta and Shri Tarun Dansena, Advocates.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. His first bail application, MCRC No.2620/2018 was dismissed as withdrawn on 17-04-2018. His second bail application MCRC No.2698/2018 was again dismissed as withdrawn vide order dated 21-06-2018. The applicant has been arrested on 18-02-2017 in connection with Crime No.288/2017 registered at P.S. - Civil Line, Bilaspur, District Bilaspur, Chhattisgarh for the offence under Section 121-A, 122, 123, 120B, 201/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case only on the memorandum statement given by one co-accused person which is not legally admissible evidence. The applicant has no connection with the offence as alleged to have been committed in this case. He is old and infirm person and he is languishing in jail without any fault on his part since 18-02-2017. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that this applicant is the king-pin of movement of finances for terror funding through various other co-accused persons and various bank accounts and ATMs, which is directly connected with the ISI of Pakistan. Hence, in the interest of justice the application may be rejected.

4. In reply, learned counsel for the applicant submits that in similar case co-accused has been granted bail by High Court of Madhya Pradesh in MCRC No.15397/2017 vide order dated 21-12-2017 under the provisions of 167(2) of the Cr.P.C. As the investigating agency could not find any evidence against the applicant, another false case under the provisions of NDPS Act has been registered against him in P.S. Baramula in the State of Jammu & Kashmir. Hence, without there being any evidence against the applicant, continuous detention of the applicant is uncalled for.

5. Heard learned counsel for the parties and perused the case diary.

6. Confidential information was received by the P.S. Civil Lines that co-accused Manendra Yadav and Sanjay Dewangan have opened accounts in various banks, in which, huge amounts have been deposited and withdrawn. On apprehending and interrogating these persons, it was disclosed by them that they received money from other sources which were deposited in these accounts for which they used to receive commission and the amount deposited were withdrawn by another co-accused and the said amount was supplied to the agent of Pakistan who is alleged to be this applicant. The investigation is showing that there are a number of persons engaged in similar operations. After arrest of this applicant he has also been interrogated and he has made statement of admission that the amount received for terror funding and he has supplied the same to separatists and extremists in Jammu & Kashmir for carrying out their activities. Although the charge sheet is filed but the investigation is still kept pending to find out more evidence regarding the offence committed in this case.

7. On perusal of the case diary, it appears that there are statements of witnesses who have given statement against the applicant about his involvement in terror funding, hence, after due consideration on all the material present in the case diary, I do not feel inclined to grant regular bail to this applicant.

8. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge