

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6243 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, Tahsil and Police Station- Korba, District- Korba, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate
For Respondent	:	Mrs. Madhunisha Singh, P.L..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/11/2018

1. This is the third 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 Section 395, 397 of the Indian Penal Code and Section 27 of Arms Act.
2. The first bail application was dismissed on merits vide order dated 11.05.2018 in M.Cr.C. No. 2655/2018 and the second bail application was dismissed on default vide order dated 10.08.2018 in M.Cr.C. No.4349 of 2018.
3. Learned counsel for the applicant submits that change in circumstance has taken place as now the charge-sheet has been filed and the trial is going on. There is no allegation against this applicant being one of the participants in the commission of offence of dacoity. The evidence

recorded in this case so far do not make out a case against this applicant. Hence, it is prayed that the applicant may be enlarged on bail.

4. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the first bail application of the applicant was rejected on merits after considering on all the material present in this case and just because the charger-sheet has been filed and some witnesses have been examined, there does not appear to be any change of any circumstances. Hence, the application be rejected.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. While deciding the application bearing M.Cr.C. No.2655 of 2018, it was observed by the Court that this applicant appears to be the master mind of the incident of dacoity and that recovery and seizure of cash of Rs.9,36,000/-, which is unaccounted and one country made pistol needs explanation.
7. Perused the certified copy of the deposition of the witnesses, who have been examined so far. There are other important witnesses, who are yet to be examined. As it has been observed earlier that some recoveries from this applicant needs explanation, hence, for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge