

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 72 of 2019**

Md. Shahid, Aged about 30 years, S/o Md. Shakeel, R/o Idgah Bhata, Behind Muslim Hall, P.S. Azad Chowk, Raipur, District Raipur (CG). ---- **Applicant**

Versus

State of Chhattisgarh, through Police Station Azad Chowk, Raipur, District Raipur (CG). ---- **Non-applicant**

For Applicant : Mr. Pallav Mishra, Advocate
 For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.167/2018 registered at Police Station Azad Chowk, Raipur for the offence punishable under Sections 394, 395 & 397 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 15.07.2018, complainant Prashant Sharma had collected an amount of Rs.31,33,950/- from Wine Shops. He kept the said amount in his bag. When he was going to deposit the said amount in the office of Rider Save Guard Private Company, Sundernagar, at that time, some unknown persons stopped his motorcycle and snatched the bag and one mobile bearing SIM No.8878971117 from him. On the memorandum of the applicant, from the house of co-accused Rakesh Dewangan Rs.1,00,000/- and one mobile hand set bearing SIM Nos.9302244445 & 7804944445 were seized.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.

6. Co-accused Azim Qureshi has already granted bail by this Court vide order dated 22.01.2019 passed in M.Cr.C. No.9508/2018. The case of the present applicant is not severer than as co-accused Azim Qureshi, who has already granted bail by this Court.
7. Looking to these facts and circumstances of the case, looking to the evidence available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-