

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 316 of 2019

- Aftab Shekh S/o Shri Kasim Shekh Aged About 26 Years R/o Village Chargoda, P. S. Baidhan, Civil And Revenue District Singrouli M. P., District : Singhrouli, Madhya Pradesh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Sumit Shrivastava, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.02.2019

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 learned counsel for the State in connection with crime No. 512/2018 registered at Police Station – Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 398, 395, 323 of the IPC and Section 25 and 27 of the Arms Act.
3. Case of the prosecution, in brief is that on 07/10/2018 about 11:50 Pm complainant Vikram Pratap Singh was going to safeguard room by motorcycle, after collecting 4 lakh 85 thousand 180 rupees from the foreign liquor shop Boripara. On the way three unknown masked persons stopped him, one person gave blow, another person get down him from the motorcycle, third person pointed the pistol on his chest, gave threats to kill. Two persons robbed one bag from him containing 4 lakh 85 thousand 100 rupees, one purse containing 900 rupees, some documents, his motorcycle, his mobile set of redmi company.
4. On the memorandum of applicant, 10 thousand rupees were seized from him.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. There is no such evidence that the cash which was seized from applicant was robbed from the complainant.
8. The complicity of the applicant is described in the memorandum of co-accused Vikram Shaket, Vinod Shaket, Santosh Sahu, Sunil which is not admissible in evidence. First Additional Sessions judge, Ambikapur was unnecessary impressed with the complicity of applicant which was described in the aforesaid memorandum.
9. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, 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 will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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