

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 675 of 2019

1. Muslim Ansari S/o Asgar Ansari Aged About 31 Years R/o Village Lakrakhonda, Post Charakmara, P. S. Sarath, District Devghar Jharkhand.
2. Alam Ansari S/o Hanif Ansari Aged About 25 Years R/o Village Lakrakhonda, Post Charakmara, P. S. Sarath, District Devghar Jharkhand

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Arang, District Raipur Chhattisgarh

---- Respondent

For Applicants	: Shri N.Naha Roy, Advocate.
For Respondent/State	: Shri VK Agrawal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/03/2019

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 563/2017, registered at Police Station – Arang, District- Raipur (C.G.) for the offence punishable under Section 395, 397 & 201 of the IPC and Section 25 & 27 of the Arms Act.
2. In this case there are total 4 accused persons. Allegedly, the Applicants along with other co-accused persons have committed dacoity at the BP Rashmi Petrol Pump. As per prosecution story on 10.12.2017 at about 5 AM, some unknown persons entered in the office of complainant namely Manoj Giri Goswami which is situated at the said petrol pump and they have assaulted him with a rod and fist, thereafter, they have looted cash of Rs. 5,64,000/- and some mobile phones. Report has been lodged by Manoj Giri Goswami. On the basis of said report, offence has been registered against unknown persons. During course of investigation,

the Applicants have been arrested and they are in custody since 27.01.2018.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that in his statement recorded under Section 161 of Cr.P.C as well as in his Court statement, complainant not named the present Applicants. He further submits that during test identification parade also, the complainant has not identified the present Applicants, they are in custody since 27.01.2018 and trial is likely to take some more time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the complainant has not identified the Applicants. The Applicants are in custody since 27.01.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them executing a person bond for a sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed by the said Court.

Sd/-
(Arvind Singh Chandel)
Judge