

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1319 of 2019**

Sheikh Danesh @ Sheikh Azhar Ali (as mentioned in the charge sheet), S/o Sheikh Zafar Ali, aged about 29 years, R/o Finland Topsia, P.S. Telbala, District Kolkata, West Bengal, Presently residing at Idgah Bhata Behind Muslim Hall, Police Station Azad Chowk, Raipur (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Police Station Azad Chowk, Raipur (CG).

**---- Non-applicant**


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| For Applicant     | : Mr. Manish Nigam, Advocate |
| For Non-applicant | : Ms. M. Asha, Panel Lawyer  |

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

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**06.03.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.167/2018 registered in Police Station Azad Chowk, District 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. They also caused injury to him. On the memorandum of the applicant, one Air Gun, one mobile and one black bag of the said company containing Rs.3,00,000/- were seized from him.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that two other co-accused, who were the main accused namely Azim Qureshi and Md. Shahid have already granted bail by this Court by orders dated 22.01.2019 and 04.02.2019 passed in M.Cr.C.No.9508/2018 & M.Cr.C.No.72/2019 respectively and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. The case of the present applicant is totally different from other co-accused persons namely Azim Qureshi and Md. Shahid, who have been released on bail by this Court.
7. In the case in hand, one black bag of the said company was seized from the possession of the applicant. The case of the applicant is severer than to the said co-accused, who have been released on bail by this Court.
8. Looking to the above facts and circumstances of the case, looking to the seriousness of the alleged offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to grant bail to the applicant. Consequently, the bail application is rejected.
9. Certified copy as per rules.

SD/-  
(Sharad Kumar Gupta)  
**JUDGE**