

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1171 of 2019**

Rakesh Dewangan, S/o Bihari Lal Dewangan, aged about 26 years, R/o Dongripara, Ward No.4, P.S. Kondagaon, District Kondagaon (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. Anchal Kumar Matre, Advocate

For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.03.2019**

1. This is second 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. The first bail application of the applicant was rejected on merits by this Court vide order dated 14.11.2018 passed in M.Cr.C. No.8299/2018 considering the *prima facie* of case against him.
4. 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.
5. 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 the main accused 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.
6. On the other hand, counsel for the State opposed the bail application.
7. As per memorandum of applicant, one Ertiga Car, one fake number plate, one black bag of the said company were seized from him.
8. The case of the applicant is severe than to the co-accused Azim Qureshi and Md. Shahid, who have been enlarged on bail by this Court.
9. Looking to the above facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the second bail application is rejected.
10. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE