

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1329 of 2019**

Akash Soni S/o Vinod Soni Aged About 20 Years R/o Village- Bojha,
Police Station- Prattappur, District- Surguja, Presently R/o In House
Of Maternal Uncle Bouripara, Ambikapur Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19/03/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.512/2018 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 398, 395, 323 of IPC and Section 25 & 27 of Arms Act.
3. Case of the prosecution, in brief is that on 07/10/2018 about 11.50 p.m. complainant Vikram Pratap Singh was going to safeguard room by motorcycle, after collecting Rs.4,85,180/- 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 Rs.4,85,100/-, one purse containing Rs.900/-, some documents, his motorcycle bearing registration number C.G. 15 D.D. 7697. On the memorandum of applicant Akash Soni Rs. 18,000/- cash, one country made pistol were seized from him.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that as per the alleged memorandum of applicant it was recorded at Police Station Ambikapur on 13/10/2018, as per alleged memo of arrest of applicant he was arrested on 14/01/2018 at Nawanagar Baidhan Singrouli, thus alleged memorandum and seizure are doubtful, thus he may be released on bail.
7. State counsel further submitted that after the interrogation applicant was taken Nawanagar Baidhan Singrouli because other co-accused were residing at Nawanagar Baidhan Singrouli.
8. This Court has granted bail co-accused Aftab Sheikh but the case of the applicant is different.
9. Looking to the facts and circumstances of the case, looking to this fact that one hand made country pistol was seized from the possession of the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge