

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2500 of 2019**

Sahbaz Khan @ Raja, S/o Abdul Majeed, aged about 21 years, R/o Atal Awas
Pendari Block No.24, House No.F-8, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station
Basantpur, District Rajnandgaon (CG).

---- Non-applicant

For Applicant	: Mr. Aditya Bhardwaj, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.05.2019

1. Case diary is not produced.
2. 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.
3. Perused the copy of charge-sheet provided by the counsel for the Applicant in connection with crime No.104/2018 registered at Police Station Basantpur, District Rajnandgaon for the offence punishable under Sections 392, 394, 411, 403, 120-B/34 of Indian Penal Code.
4. Case of the prosecution, in brief is that complainant Anand Tejawani runs a shop in the name of Shankar Traders near Jalaram Sweet. On 12.03.2018 at about 9.15 pm, 3 unknown masked persons robbed one packet from him containing Rs.6,50,000/-. On the memorandum of applicant, Rs.1,50,000/- have been seized from him.
5. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely implicated in the present case. There is no test identification parade conducted in the matter. Hence, he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. However, she submits that no criminal antecedent is reported against the applicant in police case diary.
7. Earlier, co-accused Mahesh Thakur has been released on bail by this Court vide order dated 11.01.2019 passed in M.Cr.C. No.9386/2018. The case of the present applicant is not more severer than co-accused Mahesh Thakur, who has been released on bail by this Court.
8. Looking to the above facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE