

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2883 of 2019**

Afroz Alam, aged about 26 years S/o Jamal Ansari R/o Village Lakrakhonda
Post Charakmara, P.S. Sarath, Distt. Devghar (Jharkhand)

----Applicant**Versus**

State of Chhattisgarh, Through the Police Station Arang, Distt. Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Kishore Bhaduri, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****16/05/2019**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 563/2017 registered at Police Station Arang, Distt. Raipur (C.G.) for the offence punishable under Sections 395, 397 & 201 of the IPC and Sections 25 & 27 of the Arms Act.
2. In this case there are total 4 accused persons. It is alleged that the Applicant along with other co-accused persons has 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 Manoj Giri Goswamini, which is situated at the said petrol pump. They assaulted him with a rod and fist and looted cash of Rs. 5,64,000/- and some mobile phones. A report has been lodged by the Complainant. On the basis of the report, offence has been registered against unknown persons. During course of investigation, the Applicant has been arrested on 29/01/2018.

3. Counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. He is innocent. He further submits that Complainant Manoj has already been examined before the trial Court. Though in his statement recorded before the trial Court, he has stated that he has identified the Applicant during Test Identification Parade (henceforth 'TIP'), he also admitted the fact that prior to the said TIP, he had already identified the Applicant before the Crime Branch, therefore, the whole TIP held before the Tahsildar vitiates. He further submits that other co-accused persons namely Muslim Ansari and Alam Ansari have already been granted bail vide order dated 25/03/2019 passed in MCRC No. 675/2019, the Applicant is in custody since 29/01/2018 and trial will take time, therefore, he prays that the Applicant may be released on bail.
4. Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, particularly, the statement of the Complainant before the trial Court and further considering that the Applicant is in custody since 29/01/2018 and trial will likely to take time, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
(Arvind Singh Chandel)
Judge