

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3428 of 2019**

Maajuddin S/o Yasin Shah Aged About 24 Years R/o Village
Saitangertoli (Not Mentioned In The Order Sheet), Chowki Lodam,
Police Station And District Jashpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer - Police Station,
Lailunga, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Hamida Siddiqui, Advocate
For the State	:	Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05/07/2019**

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.288/2018 registered at Police Station Lailunga, District Raigarh (C.G.) for the offence punishable under Sections 302, 397, 120-B, 201, 34 of IPC.
3. Case of the prosecution, in brief is that deceased Ajay Kumar Ekka was the resident of village Rajpur. He was running a taxi bearing registration No. CG 15B 3074. On 06/12/2018 some unknown person booked his vehicle. He had a mobile bearing SIM No. 7440799803. On 07/12/2018 the dead body of deceased was found in injured condition beside the Tikra of Dharam Singh at village Karrahan. Some unknown persons had looted his taxi and said mobile. On the memorandum of applicant one Intex mobile touch screen IMEI No. 911475553153330 which was in the name of Kapila Ekka seized from him.
4. Counsel for the applicant submitted that there is no such evidence that allegedly seized mobile belongs to deceased. She drew my attention on the memorandum of co-accused. She further submitted that in those two memorandum the witnesses are same, co-accused has been released on bail, the case of applicant is identical to that co-accused and he is innocent and falsely implicated in the present case, therefore, he may 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. As per the statement of brother of deceased the Intex mobile of his brother was also looted. As per the statement of Ku. Kapila Ekka negotiation regarding marriage of her and deceased were going on. Mobile of deceased was also looted by some unknown persons.
7. On the aforementioned circumstances, this Court finds that the case of applicant is totally different from the co-accused Safarulla.
8. Looking to the material available on record against 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

Kamde