

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9508 of 2018**

Azim Qureshi, S/o Aleem Qureshi, aged about 25 years, R/o in front of Chand Auto Service, Idgahbhatha, P.S. Azad Chowk, District Raipur (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. Devershi Thakur and Mr. Anchal Kumar Matre, Advocates
 For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22.01.2019

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.188/2018 registered at Police Station Azad Chowk, District Raipur for the offence punishable under Sections 394, 395, 397 of Indian Penal Code.
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. On the memorandum of the applicant, one mobile being different SIM numbers and Rs.1 lakh cash were seized from him.
5. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, counsel for the State opposes the prayer for grant of

bail to the applicant.

7. The complicity of the applicant is described in his own memorandum and memorandum of other co-accused, which is not admissible in evidence.
8. As per photocopy of memo of arrest, which is a part of bail application, no criminal antecedent is reported against the applicant in police case diary.
9. Looking to these facts and circumstances of the case, looking to the evidence available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-