

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7734 of 2019**

- Sheikh Amzad S/o Sheikh Kashim Aged About 28 Years R/o Sanjay Nagar, Tikrapara, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
----- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Azad Chowk, Raipur, Civil And Revenue District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
----- Non-applicant

For Applicant : Shri Sunil Verma, Advocate.
For Non-applicant : Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.12.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been dismissed as withdrawn by this Court on 24.09.2019 in MCRC No. 5130 of 2019.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 167/2018 registered at Police Station – Azad Chowk, Civil and Revenue, District – Raipur (C.G.) for the offence punishable under Sections 394, 395 and 397 of the 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 touch screen Samsung Galaxy mobile, one black bag of the said company containing Rs. 15 lakhs were seized from him.
5. Counsel for the applicant argued that applicant is innocent, falsely implicated in the case in hand. He drew my attention on para 5 of the certified

copy of statement of P.W. 4 Ganesh Jaiswal, para 3 of the certified copy of P.W.5 Arjun Sendre who are witnesses of the alleged memorandum and seizure and Para 6 of the certified copy of P.W.7 Meghnath Sahu, which are part of the bail application. He further submitted that coaccused Azim Qureshi and Md. Shahid have been released on bail by this Court, thus, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant in the case diary.

7. This is well settled legal position that while dealing with the bail application Court neither can scrutinize the evidence nor appreciate the same. This is also well settled legal position that while dealing with the bail application Court cannot touch the merits and demerits of the case. In the case in hand though witnesses of memorandum and seizure have turned hostile but the Investigating Officer is to be examined.

8. The case of the applicant is totally different from the coaccused Azim Quershi and Md. Shahid who have been released on bail by this Court. In the case in hand one bag of said company containing Rs. 15 lakhs was allegedly seized from the applicant. The case of applicant is more severe than those coaccused who have been released on bail by this Court.

9. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to accused on society, looking to the alleged seizure of huge amount of cash from the applicant, this Court is not inclined to release the applicant on bail. Consequently, the second bail application of the applicant is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE