

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 312 of 2020

1. Sultan Miya S/o Hassan Miya Aged About 31 Years Caste Muslim,
R/o Village Mantrameta, Police Station T. Nagar District Simdega
Jharkand

---- Applicant

Versus

1. State Of Chhattisgarh Through Officer-In-Charge, Police Station
Tumla, District Jashpur Chhattisgarh

---- Respondent

For Applicant

Mr. Sanjeev Kumar Sahu, Advocate

For Respondent /State

Mr. Devendra Pratap Singh, Dy. Adv. General

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

1/9/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.7/2019, registered at Police Station Tumla, District Jashpur (CG), for offence punishable under Sections 394, 397 & 452 read with Section 34 of the Indian Penal Code.
2. Allegation against the present applicant is that at about 2.00 am on 11-3-2019 he along with other co-accused persons committed house trespass in the house of complainant namely; Jamni Pekra; assaulted her; looted golden & silver ornaments, brass platters; and cash of Rs,13,000/- on the point of knife.
3. It is argued that there is no material against the applicant in the case diary, therefore, he is entitled for anticipatory bail.

4. Learned counsel for the State, *per contra*, would oppose the bail application.
5. In cases where unknown robbers have entered the house and looted ornaments & cash the only evidence which can be available at this stage is the discloser statement made by the co-accused persons. Thereafter, custodial interrogation is required, which can happen only when the applicant is taken into custody.
6. Co-accused Parvej Ansari has been granted regular bail in M.Cr.C.No.318 of 2020 (decided on 27-2-2020) whereas co-accused Irfan Ansari has been denied regular bail and co-accused Saddam Husen has been granted regular bail in the same M.Cr.C.No.2997 of 2019 (decided on 15-5-2019).
7. Considering the fact that the applicant belongs to the State of Jharkhand and the robbery has been committed in the neighbouring district of Jashpur, this Court is not inclined to extend the benefit of Section 438 of the Cr.P.C. to the applicant. Accordingly, the bail application is rejected. The applicant may surrender and apply for regular bail before the trial Court.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri