

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6220 of 2020**

- Javed Akhtar, S/o Shri Shakil Ahmad, Aged about 28 years, R/o Madaipur, PS Madhata, District Pratapgarh (U.P.)

---- Applicant**Versus**

- State of Chhattisgarh, Through: PS Dindayal Upadhyay Nagar (DD Nagar), District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Pragalbha Sharma, Advocate.
For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/09/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 33/2019 registered at Police Station- Dindayal Upadhyay Nagar (DD Nagar), District Raipur (C.G.) for the offence punishable under Sections 307, 394, 397 of the Indian Penal Code, 1860 and punishable under Sections 25 and 27 of the Arms Act.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to file the same at an appropriate stage by this Court on 22.11.2019 in MCRC No. 6116/2019.
5. The case of the prosecution in brief is that, on the date of incident i.e. 01.02.2019, after closing his jewellery shop, the complainant and his father were returning their home at Lakhenagar with three different jewellery boxes, then the present applicant along with two other co-accused namely Devi Prasad Bansor and Mahesh Verma committed robbery on the gun point

and assaulted the complainant and his father due to which, they sustained grievous injuries and after that accused persons ran away with jewellery boxes. Based on this, offence has been registered and the present applicant has been taken into custody on 17.05.2019.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is no legal material or evidence available on record constituting any offence as alleged by the prosecution. He next submits that the applicant is in jail since 17.05.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application submitting that the present applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge

Vasant