

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5947 of 2021**

Sabir Khan S/o Moh. Gaffar Khan Aged About 21 Years R/o Ward No.7, In Front Of Electricity Office, Polie Station- Dharsiva, District- Raipur, Chhattisgarh. **----Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-Berla, District- Bemetara, Chhattisgarh. **---- Non-Applcant**

For Applicant:	Shri Shubham Tripathi, Advocate.
For Non-Applcant/State:	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

07.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.154/2021 registered at Police Station Berla, District Bemetara, C.G. for the offence punishable under Sections 341, 395 and 120B IPC.
2. Allegation against the present Applicant is that on 28.04.2021, at 8.40 p.m, he along with the other accused persons, has looted an amount of Rs.1,200/- and a mobile phone from the complainant Jitendra Yadav by threatening him while he was returning to his village Singardhi from village Karabendri.
3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question for which, he is in jail since 01.05.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 341, 395 and 120B IPC and therefore, he may be released on bail.
4. On the other hand, learned State Counsel opposed the bail application. He submits that apart from the present offence, there are other offences of similar nature registered against him under Sections

307 and 398 of IPC as also under Sections 25 and 27 of the Arms Act.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the nature of allegation against the Applicant and further considering the fact that the present Applicant has criminal antecedents under Sections 341, 307, 398 and 120-B of IPC and under Sections 25 & 27 of the Arms Act in S.T No.43/2021 and under Sections 341, 395 and 120-B of IPC in S.T No.44/2021 which are still pending, memorandum statements of the accused persons showing involvement of the present Applicant and the recovery of incriminating articles made in pursuance thereof, without commenting anything on merits of the case, this Court is not inclined to release the present Applicant on bail. Accordingly, the bail application is rejected.

Sd/-

Gautam Chourdiya
JUDGE

Priya