

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6910 of 2021**

- Mohd. Rasheed, S/o Aabid Ali, aged about 35 years, Caste-Muslim, R/o Narsinghgarh, Muar Aadhar Ganj, P.S. Raniganj, District Pratapgarh (U.P.)
Permanent R/o B-86, Badri Awas, Mehdauri, Teliyarganj, Prayagraj, P.S. Shivputi, Tehsil Sadar, District Prayagraj (UP)
---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Jainagar, District Surajpur (CG)

....Non-applicant

For Applicant	:	Mr. Surfaraj Khan, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****09.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant as he is in custody since 17.8.2021 in connection with Crime No.185/2021 registered at Police Station Jainagar, District Surajpur (CG) for commission of offence punishable under Section 380, 34 of IPC.
2. Case of prosecution, in brief, is that on 12.8.2021 in between 9:00 to 10:00 p.m. some persons by tempering ATM of SBI installed at Silfili bearing No.FFBQ00010020, committed theft of Rs.40,000/-. Written report of Incident was lodged in concerned police station by an employee of TSI Company, based on which police investigated crime. Through CCTV footages found one un-numbered Swift Car at that relevant point of time. While tracing mobile number, police found location of mobile near Pendra Railway Station and applicant was arrested from un-numbered Swift Car. Their memorandum statements were recorded in which they stated that they removed number plate of car and committed offence. Based on their memorandum statements, applicant and others were arrested in connection with aforementioned crime.

3. Mr. Sarfaraj Khan, learned counsel for applicant would submit that allegations levelled against applicant is absolutely false and baseless. Even nature of offence as alleged against applicant is not known. Had the applicant committed offence as alleged, he could have broke open ATM and taken away entire cash amount kept in it, which is not the case of prosecution. After completion of investigation, police filed charge sheet. Applicant is in jail since 17.8.2021, hence he may be enlarged on regular bail.
4. On the other hand, Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions of learned counsel for applicant and submits that there is increase in offence of like nature i.e. of taking out cash from ATMs by one or other means. Police during the course of investigation has traced location of mobile and intercepted accused persons who were travelling in unnumbered car as appearing in CCTV footages. In memorandum statement applicant has admitted to have committed crime of similar nature in other places also. Hence, applicant is not entitled to be enlarged on regular bail at this stage.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegation; manner in which crime is alleged to have been committed and considering that there is frequent increase in commission of crime of like nature, applicant is involved in other similar nature of crimes; I am not inclined to enlarge applicant on regular bail. Accordingly, bail application is rejected

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-