

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 9433 of 2020**

- Mohammad Mehraj S/o Janu Ansari Aged About 21 Years R/o Village Sarawani, Bilal Masjid Wali Gali, Police Station Babugarh, Savnar, District Hapur Uttar Pradesh., Uttar Pradesh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

**--Non-Applicant**

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| For Applicant           | : | Shri Rishi Sahu, Advocate |
| For Non-Applicant/State | : | Ms. Veena Nair, Dy. A.G.  |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**03/02/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 9.9.2020 in connection with Crime No.149/2020, registered at Police Station-Ambagarh Chowki, District Rajnandgaon(C.G.) for the offence punishable under Sections 394, 395, 341, 120B, 506 34 of the IPC.
2. Case of the prosecution is that the applicant along with other co-accused persons obstructed the complainant on the way when he was returning from the market on his motorcycle with large quantity of jewellery in his possession and looted the jewellery of approx. Rs.11,70,000/- and the mobile and motorcycle. Based on this, an offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the allegations

against the applicant are false and fabricated and he has been falsely implicated in the case on the basis of suspicion. He submits that a false seizure of jewellery has been made to make out a case against the applicant. He submits that the applicant has not been identified by the victim in the test identification parade. He submits that yet charge sheet has not been filed and no offence is made out against the applicant under the above mentioned Sections of the IPC, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail. He submits that from the possession of the applicant, huge quantity of looted jewellery has been recovered in the presence of independent witnesses and victim has identified the jewellery. He submits that on the memorandum of the applicant, the looted articles have been recovered. He further submits that the bail application of the co-accused persons has been rejected by the co-ordinate Bench in MCRC No. 7718/2020.
5. Having considered the submission made by learned counsel for the parties and the material collected in the charge sheet against the present applicant, particularly taking into consideration the recovery and identification of looted jewellery and the memorandum of the applicant and bail application of the co-accused persons has been rejected by the co-ordinate Bench, I am not inclined to grant bail to the applicant .
6. Accordingly, the bail application is rejected.

Sd/  
**(Gautam Chourdiya)**  
**Judge**