

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9497 of 2020

- Mohammad Osama S/o Jakir Hussain Aged About 29 Years R/o Jamuna Bai Chal, R/o Room No. 01, R. M. Road, Behram Bagh Jogeshwari West, Mumbai, Maharastra, District : Mumbai, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dharsiva, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Atanu Ghosh, Advocate
For Respondent	:	Shri Amit Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

24/02/2021

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 5.9.2019 in connection with Crime No.427/2019, registered at Police Station- Dharsiva, District Raipur(C.G.) for the offence punishable under Section 392/34 of the IPC and Section 25 and 27 of the Arms Act.
2. Case of the prosecution is that on 28.8.2019 at 23.06 hrs., the applicant along with other accused persons came to the petrol pump covering their faces and looted cash of Rs.40,000/- from the cashier of petrol pump. Further allegation is that the applicant has also looted mobile from the staff of the petrol pump and one of the applicants was holding country made pistol. Based on this, an offence was registered and during investigation, on the memorandum statement of the co-accused- Shahrukh Khan, the applicant was taken into custody.

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. He submits that only one mobile phone has been seized from the possession of the applicant. He submits that the co-accused has been released on bail by the co-ordinate Bench of this Court in MCRC No. 1766/2020 vide order dated 21.5.2020; charge sheet has been filed and conclusion of the trial may take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that one country made pistol and three live cartridges were recovered from the present applicant and earlier, one case was also registered against the applicant under Section 307 of the IPC.
5. Having considered the submission made by learned counsel for the parties, the totality of the facts and circumstances of the case and further considering the fact that the applicant is in jail since 5.9.2019; charge sheet has been filed; and conclusion of trial is likely to take some time, without further commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-
(Gautam Chourdiya)
Judge

sunita