

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5446 of 2018**

Farshad Khan, aged about 36 years, son of Kallu Khan, residents of Kakrala, Ward No.12, P.S. Alapur, District Badayu (UP) at present Kumharpara, Juna Bilaspur, P.S. City Kotwali, Tahsil and District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through the District Magistrate, District Bilaspur.

---- Non-applicant

For Applicant : Mr. Ritesh Verma, Advocate.

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.109/2017 registered at Police Station Suhela, District Baloda Bazar for the offence punishable under Sections 457 & 380 read with 34 of IPC.
3. Case of the prosecution, in brief is that between 13.08.2017 to 14.08.2017 in the midnight, the applicant and others co-accused Mukarram Ali, Aiyaj Ali @ Guddu, Shamsad Ali, Hasrat Ali @ Munna have stolen silver and gold ornaments along with cash, the worth of Rs.3,55,000/- from the shop namely Maha Laxmi Jewelers of the complainant Shri Suresh Mane by breaking the locker of shop.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in

the present case. He further submits that one case under Sections 457 & 380 of IPC has been registered against the applicant in which he has already acquitted, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant and submits that on the basis of memorandum statement of the applicant was recorded, broken camera and wire were seized from the possession of the applicant.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.

7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-