

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6526 of 2018**

Mohd. Zulfikar, S/o Mohd. Minatullah, aged about 32 years, R/o Ambedkar Chowk, Thakkar Bapa Ward, Gulab Nagar, Gudhiyari, Raipur, Tahsil and District Raipur.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Khamtarai, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant : Mr. N. Naha Roy, Advocate.
 For Non-applicant/State : Mr. Neeraj Kumar Sharma Dy. Govt. Advocate
 For Objector : Mr. Sunil Otvani, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.10.2018**

1. Heard on I.A. No.1/2018 application for seeking permission to assist the prosecution.
2. Upon due consideration, I.A. No.1/2018 is allowed only to this extent that objector shall assist the Government Advocate.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
4. The applicant has been arrested in connection with Crime No.376/2018 registered in Police Station Khamtarai, Raipur, District Raipur for the offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code.
5. Prosecution story in brief is that applicant installed a manufacturing machine of bricks on the land of complainant Damanjeet Singh. Co-accused Danish Alam is a partner in that business. The co-accused Amarnath Rai had given the Power of Attorney to the applicant Mohd. Zulfikar regarding the said land.
6. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
7. Counsel for the State submitted that one criminal case under Sections 420, 467, 468, 471, 427, 506 & 120(B) of IPC have already been registered

against the applicant hence he is not entitled for grant of bail.

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

9. 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 benefits of Section 439 of the CrPC to the applicant.

10. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.

11. 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.

12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-