

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6891 of 2017**

Ashraf Khan, S/o. Ajeej Khan, Aged About 34 Years, R/o. Shivaji Park,
Vidhansabha Road, Raipur, District -Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : P. S. -Kurud, District -Dhamtari Chhattisgarh

---- Respondent

For Applicant : Mr. Kaushal Yadav, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/01/2018**

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 in connection with Crime No.174/2017, registered at Police Station – Pandary, District – Raipur (C.G.) for the offence punishable under Section 392 Indian Penal Code .
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case and he is in jail since 15.09.2017. Charge-sheet has been filed against him after completion of investigation and no case is made out on the basis of material available on record, therefore, it is prayed that he may be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant is this that two unknown persons snatched the gold chain from the neck of the complainant – Sarita Khandelwal. After lodging of FIR, the said chain has been recovered from the possession of this applicant and the same was identified as the looted article by the complainant-herself.
6. Considered on the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the fact that the applicant is local resident, the case is triable by Judicial Magistrate First Class and no purpose would be served, if the, applicant is kept in detention till the completion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge