

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5734 of 2019**

- Naresh Sharma S/o Bhajan Lal Sharma Aged About 56 Years, R/o House No. 3/676, Kala Kunwa, Housing Board, Arawali Vihar, Alwar, Police Station Arawali Vihar, District-Alwar (Rajasthan). At Present Resident Of Sai India Park, Society B. Building, House No. 702, Near 16 Number Market Bakda, Pune, Police Station Wakad, Pune (Maharashtra).

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Khairagarh, Rajnandgaon, Civil And Revenue District-Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Mirza Hafeez Baig, Adv.
For Respondent/State : Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 201/2019 registered at Police Station Khairagarh, Rajnandgaon, Civil and Revenue District-Rajnandgaon (C.G.) for the offence punishable under Sections 454 and 380 of the IPC.
2. The prosecution story, in brief is that, complainant Khemraj was lodged a report that on 06.06.2019 some unknown persons committed theft, thereafter on the basis of information received by informant, police personnel arrested the present applicant on the basis of suspicion and after that on inquiry the present applicant said that he is from other state and on 06.06.2019 about 11.30 O'clock he committed theft in a house. Police searched and found some jewellery as well as cash from the possession of the present

applicant. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that applicant is suffering from heart disease and has problem to sleep on the floor in the jail. The applicant is in jail since 27.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that applicant is suffering from heart disease and the offence is triable by Judicial Magistrate First Class. The present applicant has no previous antecedent and the applicant is in jail since 27.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- - 25,000/- with two local sureties in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**