

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6085 of 2019**

- Aarif Khan S/o Late Shri Rahim Khan Aged About 38 Years, R/o Mamta Nagar Gali No. 06, Rajnandgaon District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Civil Line, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.
For Objector	: None for Objector.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.11.2019**

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. 356/2019 registered at Police Station Civil line, District-Raipur (C.G.) for the offence punishable under Sections 419 and 420/34 of IPC.
2. The prosecution story, in brief is that, the applicant and other co-accused were involved in renting Hyva (Trucks) from Hyva owners by means of conspiracy and after renting they sold them fraudulently, with the help of the applicant, co-accused sold one Hyva which commission of Rs. 30,000/ received by 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 the applicant has no previous criminal antecedent. The applicant is in jail since 05.06.2019, 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, and further considering the facts that the offence is triable by Judicial Magistrate First Class, the applicant is in jail since 05.06.2019 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. 50,000/- with one local surety 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**