

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6099 of 2019

- Nisar Ali S/o Liyakat Ali Aged About 27 Years R/o Sanjay Bag Colony, Last Bus Stop, Police Station Yashodhara, District Nagpur, (Maharashtra)., District : Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

 For Applicant : Shri Jitendra Gupta, Advocate
 For Respondent/State : Shri Sameer Sharma, Dy. Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey
Order On Board

19.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.506/2019, registered at Police Station Durg Kotwali(CG) for the offence punishable under Sections 420, 406, 409, 421, 34 of the IPC.
3. As per the case of prosecution, complainant Chandra Shekhar Singh lodged a report at Police Station Durg that the applicant along with co-accused Shiva Kumar has taken his Truck (Highwa) on lease for a sum of Rs.1,90,000/- which was subsequently sold by them to some other person.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime. He further submits that the offence is triable by Magistrate and co-accused persons have already

been enlarged on bail by this Court vide order dated 5.11.2019 passed in MCRC No. 5549/2019 and MCRC No.5842/2019 and the applicant is in jail since 11.6.2019, therefore, the applicant may also be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the offence is triable by Magistrate and the co-accused persons have been enlarged on bail and the applicant is in jail since 11.6.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with two sureties in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE