

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6130 of 2019**

- Mubarak Ali Ansari S/o Ibarat Ali Aged About 39 Years, By Caste-Musalman, R/o Village Amhit, Police Station Kerakat, District Jounpur (U. P.)

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Katghora, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Nitesh Shrivastava, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.11.2019**

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. 216/2019 registered at Police Station Katghora, District-Korba (C.G.) for the offence punishable under Sections 392 and 420 of the IPC.
2. The prosecution story, in brief is that, complainant Kumari Kunti Kanwar lodged a report before police station Katghora that when she was withdrawing the amount from ATM near the Bus Stand Katghora at that time the unknown persons were stolen ATM Card and money, the matter was investigated by police. 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 is not a main accused. The applicant is in jail since 19.08.2019, 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 the offence is triable by Judicial Magistrate First Class. The present applicant is in jail since 19.08.2019 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/- 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**