

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6267 of 2019**

- Irshad Khan (Wrongly Mention As Irkhad Khan In Impugned Order) S/o Mahboob Khan Aged About 19 Years R/o Village Khadakhadi, P. S. Tawdu, District Mewatnuhu, Hariyana, Haryana

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer P. S. Gariyaband District Gariyaband Chhattisgarh

**---- Respondent**

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For Applicant : Shri Atanu Ghosh, Advocate  
For Respondent /State : Shri Akhtar Hussain, PL

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**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**29/11/2019**

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.22/2019 registered at police station Gariyaband district Gariyaband (CG) for the offence punishable under Sections 457, 382, 511,307 and 34 IPC read with Sections 25 and 27 of the Arms Act.

Case of the prosecution in brief is that a report was lodged by the ASI (complainant) alleging that he has received information that the applicant and other co-accused persons were trying to loot the ATM machine and are therefore, tying a rope and pulling the same with the help of pickup van.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that except his memorandum, nothing has been seized from his possession. He submits that the applicant is in jail since 06.02.19 and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, taking into account the nature and gravity of offence and the plea raised by the applicant that he has been falsely implicated, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that on furnishing a personal bond in the sum of Rs. 1,00,000/- with two sureties, which includes one local surety) in like sum to the satisfaction of the concerned court for his appearance as and when directed, the applicant shall be released on bail.

Sd/-  
(Rajani Dubey)  
Judge