

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6383 of 2019**

- Mohammad Taufique Khan S/o Tayyum Khan Aged About 29 Years, Musalman, R/o Khutaghat, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : P. S. Dipka, Tahsil And District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Saleem Kazi, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.11.2019**

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. 235/2018 registered at Police Station Dipka, District-Korba (C.G.) for the offence punishable under Sections 395 of the IPC and 25, 27 of Arms Act.
2. The prosecution story, in brief is that, on 11.10.2018 at about 4.30 in the morning information was received to the SECL security officials that some persons were stealing diesel from the Doser No. 676 which was parked in the Doser repair shop a written complaint lodged by the SECL security thereafter, police petrolling party reached to the spot when accused/applicant and other co-accused saw the police they ran away from the spot. During course of investigation one motor cycle and one sword has been seized from the possession. 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 other co-accused persons have already been granted bail in MCRC No. 4961/2019 and MCRC No. 3819/2019. The

applicant is in jail since 16.07.2019, 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 the other co-accused persons have already been granted bail in MCRC No. 4961/2019 and MCRC No. 3819/2019. The present applicant is in jail since 16.07.2019 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, subject to following conditions:
 - That, the applicant will furnish a specific, undertaking that while on bail, he will not commit any offence of theft of diesel, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant will make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
 - That, the accused/applicant will not act, in any manner, which will be prejudicial to fair and expeditious trial.
 - That, he will furnish 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**