

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6526 of 2019

- Mohshin Khan S/o Mukhtiyar Khan Aged About 19 Years Occupation Laborer, R/o Jashpur P. S. Kotwali, District Udham Singh, Uttarakhand, At Present R/o Behind Out Post Jutemill, Raigarh Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Of The Out Post Jutemill, P. S. Kotwali, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

 For Applicant : Shri Abhishek Saraf, Advocate
 For Respondent/State : Ms. Reena Singh, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

02.12.2019

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.401/2019, registered at Police Station Outpost Jutemill, PS. Kotwali, District Raigarh (CG) for the offence punishable under Sections 457, 380, 411/34 of the IPC.
3. As per the case of prosecution, the applicant along with other co-accused persons broke open the lock of the house of complainant Janak Ram Choudhary and theft silver ornaments, cash amount and mobile phone kept in the Almirah.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and seizure was made after a long delay, which is suspicious. He submits that the applicant is in custody since 23.7.2019 and trial may take some time for its final disposal therefore, the applicant may 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, 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. Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:
 - (I) That, the applicant shall furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.

- (II) That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall 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.
- (III) That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

10. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE