

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6569 of 2019**

- Moin Khan @ Salman, S/o Sher Khan, Aged About 20 Years, R/o - Chuna Bhatti, Fafadih, P.S. Ganj, Tahsil & District- Raipur (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station- City Kotwali, Raipur, District- Raipur (C.G.).

---- Respondent

For Applicant	: Shri B.L. Sahu, on behalf of Shri Santosh Kumar Sahu, Adv.
For Respondent/State	: Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.12.2019**

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. 317/2019 registered at Police Station City Kotwali, Raipur (C.G.) for the offence punishable under Sections 457, 380/ 34 of I.P.C.
2. The prosecution story, in brief is that, on 30.06.2019 complainant went for taking food with family to New Raipur and he has locked his house, when he came about 10:20 P.M. he found that lock was broken and Rs. 32,000/- and gold armaments were missing. Thereafter, 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. There is no criminal antecedent against the applicant. The offence has been triable by the Judicial Magistrate First Class. The applicant is in jail since 01.07.2019, 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, and further considering the facts that there is no criminal antecedent against the applicant. The offence has been triable by the Judicial Magistrate First Class. The applicant is in jail since 01.07.2019 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, 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**