

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6779 of 2019**

- Mohammad Yasin S/o Abdul Kadar, aged about 30 years, R/o Tikripara, Gandai, Police Station – Gandai, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police of Police Station – Gandai, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri Hemant Kesharwani, Advocate
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****19/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No. Nil, Istgasa No.01/2019, registered at Police Station – Gandai, District Rajnandgaon (C.G.) for the offence punishable under Sections 41 (1+4) of Cr.P.C. and 379 IPC.
2. The prosecution story in brief is that on 01.10.2019, acting on a tip-off, the police intercepted the vehicle of the applicant and found that he was carrying illegal scrap (copper wire, quill, aluminum wire, box, motorcycle parts etc) in Mahindra Bolero Pickup van bearing registration No.CG-7-BQ-8963. Based on this, offence has been registered. The present applicant has been taken into custody on 02.10.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that no FIR has been lodged against the

applicant, and only on the basis of ishtagasa, the present applicant has been arrested. He also submits that the applicant is in custody since 02.10.2019, the matter is under investigation and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that the applicant is in custody since 02.10.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge