

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 442 of 2020**

- Noor Hasan S/o Mohhamad Kalu, Aged About 41 Years R/o Mazra Azad Colony, Gali No. 5, P.S. Patel Nagar District Dehradun (Utarakhand).

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Aamanaka District Raipur Chhattisgarh.

---- Respondent

For Applicant. : Mr. Devarshi Thakur, Advocate.
 For Respondent/State : Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 78/2019 registered at Police Station – Aamanaka, District Raipur (C.G.) for the offence punishable under Sections 457, 380, 34 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that he along with co-accused person has committed theft of some golden and silver ornaments and cash total about a sum of Rs. 5,77,400/- from the house of complainant. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the applicant is in jail since 24.05.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel opposes the bail application submitting that Rs. 1,90,000/- of stolen amount has been seized from the possession of present applicant.
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, looking to the detention period of the applicant i.e. since 24.05.2019, as 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 said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu