

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 318 of 2020**

- Parvej Ansari S/o Jamaal Ansari Aged About 28 Years Caste-Musalman R/o Village- Teliyadand, Police Station Ichaq-Latehar, District- Palamu Jharkhand.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tumla, District- Jashpur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Sanjeev Kumar Sahu, Advocate.
For Respondent/State	:	Mr. Vindo Kumar Tekam, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.02.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 07/2019 registered at Police Station : Tumla, District Jushpur (C.G.) for the offence punishable under Sections 394, 397, 352, 34 of the Indian Penal Code.
2. As per the prosecution case, the allegation against the present applicant is that on 11.03.2019 at about 02.00 AM, he along with other co-accused persons entered the house of complainant Jamni Pekra, beat her and looted some golden & silver ornaments, some brass platters and cash of Rs.

13,000/- on the point of knife. 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 has been falsely implicated in the crime in question. He would next submit that the present applicant has been made accused in the present case only on the basis of memorandum statement of co-accused persons and the co-accused namely Irfan Ansari has already been granted bail (Annexure A/2) by this Court on 15.05.2019 passed in MCRC No. 2997/2019. He further added that in the test identification parade complainant identified co-accused Irfan Ansari but did not identify the present applicant. He also submits that applicant is in jail since 27.08.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application and submits that, during investigation, a knife has been seized from the present applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, particularly the fact that the co accused has already been granted bail by this Court, 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