

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1306 of 2020**

Shakil Ahmad @ Massa, S/o - Mustak Ahmad, aged 32 years, R/o- Village – behind Vivekanand College, Manendragarh, Distt – Koriya (C.G.)
(In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P.S. - Sonhat, Dist – Koriya (C.G.)

----Non-applicant

For Applicant	: Mr. Akhtar Hussain, Advocate.
For Non-applicant/State	: Mr. Siddharth Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/05/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 152/2019 registered at police Station Sonhat, Distt - Koriya for the offence punishable under Sections 458, 380 /34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, the applicant along with other co-accused persons had stolen iron scrap worth Rs. 50,000/- from the SECL premises and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. He further submits that the

applicant is languishing in jail since 17.10.2019 and the similarly situated co-accused persons had already been granted bail by this Court vide order dated 13.01.2020 passed in M.Cr.C. No. 7368 of 2019 and other connected cases and, therefore, the applicant may also be granted bail on the ground of parity.

(4) On the other hand, learned counsel for the State would submit that present case is similar to the case of the co-accused persons, who have already been granted bail by this Court in M.Cr.C. No. 7368 of 2019 and other connected cases decided on 13.01.2020.

(5) Taking into consideration the nature and gravity of the offence, further considering the fact that the applicant is in detention since 17.10.2019; and the fact that similarly situated co-accused persons have already been granted regular bail by this Court vide order dated 13.01.2020 passed in M.Cr.C. No. 7368 of 2019 and other connected cases, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one 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 by the said Court till disposal of the trial.

(7) It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance

of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

(8) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

