

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1305 of 2020**

- Azad @ Aziz @ Azzi Khan S/o Asaru Khan, aged about 24 years, R/o village Khadakhadi, P.S. Tawdu, District Mewatnuhu (Hariyana)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, P.S. Gariyaband, District Gariyaband (C.G.)

---- Respondent

For Applicant	:	Shri Manoj Paranjape, Advocate with Shri Atanu Ghosh, Advocate
For Respondent	:	Shri Ayaz Naved, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/07/2020**

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.22/2019, registered at Police Station - Gariyaband, District Gariyaband (C.G.) for the offence punishable under Sections 457, 382, 307, 353, 186 and 34 IPC & sections 25 and 27 of Arms Act.
2. The prosecution story, in brief, is that on 06.02.2019 at about 3.00 AM, the Assistant Sub Inspector, who is the complainant in the present case, received a tip-off that some suspicious activities are going on at ATM. When the police party reached the place of incident, they found that some persons were trying commit loot of case kept in ATM machine. One person was arrested on the spot, whereas other succeeded in fleeing away from the spot. Based on this, offence has been registered. The present applicant has been taken into

custody on 06.02.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there are as many as five accused persons including the present applicant on whom same allegation has been levelled. He also submits that three accused persons namely Irshad Khan, Junaid Khan and Asruddeen have already been granted bail by this Court in MCRC No.6267/2019, 8500/2019 and 248/2020 respectively. He also submits that there is no progress of the case before the trial Court and charge has not been framed. It is next submitted that the applicant is in custody since 06.02.2019, charge sheet has been filed 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 opposed the bail application. Learned State counsel submits that while chasing the accused persons by the police, four accused persons managed to ran away, however, three of them have been arrested and prosecuted, whereas the present applicant caught in the pick-up van.
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 three accused persons namely Irshad Khan, Junaid Khan and Asruddeen have already been granted bail by this Court in MCRC Nos.6267/2019, 8500/2019 and 248/2020 respectively, the present applicant is in custody since 06.02.2019, without further commenting on merits of the case, I am inclined to release the applicant 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.1,00,000/- with one local surety for the like amount to the satisfaction of the

trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.

Certified copy, as per rules.

Pekde

Sd/-
(Rajani Dubey)
Judge