

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1766 of 2020**

1. Shahrukh Khan S/o Sarif Khan, aged about 20 years, R/o Chhemar, Chharaiya, P.S. Lalganj, District Pratapgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Dharsiwa, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Dr. Shiv Kumar Shrivastava, Advocate
For Respondent	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/05/2020**

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.427/2019, registered at Police Station – Dharsiwa, Raipur (C.G.) for the offence punishable under Section 392 IPC and Sections 25 and 27 of Arms Act.
2. The allegation against the present applicant is that on 28.08.2019 at 23.06 hours, he along with other accused persons came to the petrol pump styled as Guru Fuels covering their faces and looted cash of Rs.40,000/- from the cashier of petrol pump. Further allegation is that the applicant also looted mobile from the staff of petrol pump and one of the applicant was also holding country made pistol. On a tip-off, the present applicant and other accused person namely Mohammad Osama were arrested, their memorandum statements were recorded and one mobile was seized from the possession of the present applicant. Based on this, offence has been registered. The applicant has been taken into custody on 05.09.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that only mobile phone has been seized from the possession of the applicant. He also submits that the applicant is in custody since 05.09.2019, charge sheet has been filed, there is no likelihood of his case being decided in near future, he is ready to furnish adequate security and shall abide by the directions and conditions which may be imposed upon them by the Court. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case and further considering the fact that the applicant is in custody since 05.09.2019, charge sheet has been filed and the trial is likely to take some time, 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.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, till the final disposal of the trial.
9. 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde