

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1914 of 2020**

1. Mohammad Arif Rizwi S/o Saddik Rizwi Aged About 27 Years
R/o- Barsawa, Post Narsada, P.S. Baldirai, District Sultanpur,
Uttarpradesh, At Present R/o- Ward No. 29/11, Goutam Nagar
Zone-1, Khursipar, Bhilai, District Durg, Chhattisgarh.
2. Mohammad Abdul Saif S/o Syed Saif Aged About 19 Years
R/o- Barsawa, Post Narsada, P.S. Baldirai, District Sultanpur,
Uttarpradesh, At Present R/o- Ward No. 29/11, Goutam Nagar
Zone-1, Khursipar, Bhilai, District Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police
Station- City Kotwali, Balodabazar, District Balodabazar-
Bhatapara, Chhattisgarh

---- Respondent

For Applicants	: Mr. G.R. Burman, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.06.2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 83/2020 registered at Police Station City Kotwali, Balodabazar, District Balodabazar (C.G.) for the offence punishable under Section 379 r/w Section 34 of the IPC.
2. The prosecution story in brief is that, the complainant lodged a report at concerned police station alleging that on 31.01.2019, unknown person came to his house and said that they are doing the job of clearing of golden and silver ornaments. Thereafter, when complainant gave his

ornaments to them, they fled away with the same ornaments. After investigation, offence has been registered against the applicants and they have been arrested.

3. Learned counsel submits that the applicants are innocent and have been falsely implicated in the crime in question. He next submits that there is no seizure recovered from the possession of present applicants. The applicants are in jail since 12.02.2020, therefore, the applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
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, detention period of applicants, as the offence is triable by Judicial Magistrate First Class, and 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 applicants on bail. Accordingly, the application in respect of applicants are allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date to be given to them by the said Court.
8. It is made clear that if the applicants have 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge