

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2923 of 2020**

- Naeem Baksh, S/o Hussain Baksh, Aged About 26 Years, R/o Kelabadi, Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Varun Sharma, Adv.

For Respondent/State : Mr. Sunil Otvani, Additional, A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.06.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 1074/2019 registered at Police Station- Durg Kotwali, District- Durg, (C.G.) for the offence punishable under Sections 457, 380 of IPC.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of memorandum of seizure witnesses in MCRC No. 8204/2019 vide order dated 04.02.2020.
5. The prosecution story, in brief is that, on 04.11.2019, the present applicant entered the house of one Prakhar Yadu and has stolen

some ornaments worth Rs. 10,500/-. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that offence has been triable by Judicial Magistrate First Class. The applicant is in jail since 08.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegation against him is of serious in nature, therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that offence has been triable by Judicial Magistrate First Class. The applicant is in jail since 08.11.2019, 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 applicant on bail. Accordingly, the application is allowed.
10. 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 trial Court on each and every date given to him by the said Court.
11. 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.

12.Certified copy, as per rule.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi