

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2714 of 2020**

- Smt. Rubeena Siddiqui wife of Shahbaj Khan, aged about 23 years, resident of Mamta Nagar, Bakhtawar Chall, Rajnandgaon, Police Station Lalbag, Rajnandgaon, Tahsil and District Rajnandgaon

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Mohan Nagar, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri S.S. Painkra, Advocate
For Respondent	:	Shri Ravish Verma, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****27/05/2020**

1. Default as pointed out by the Registrar is over-ruled.
2. Heard.
3. Admit.
4. 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.09/2020, registered at Police Station - Mohan Nagar, Durg, District Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 34 IPC.
5. The prosecution story, in brief, is that complainant namely Mahendra Patel filed an application under Section 158(3) of CrPC before the Court of JMFC, Durg alleging therein that the applicant along with Ankita Madam and Kishore Sahu have published an advertisement regarding marriage and on the basis of said advertisement, they obtained the amount of Rs.28,000/- from the complainant, however, as the complainant has not been served as per demand, the offence

has been registered against the applicant. The applicant has been taken into custody on 31.01.2020.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that co-accused namely Ankita @ Marry Masih has been granted bail by this Court vide order dated 12.05.2020 passed in MCRC No.2539/2020. He also submits that the applicant is in custody since 31.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may also be released on bail.
7. On the other hand, learned counsel for the State opposed the bail application.
8. I have heard learned counsel for the parties and perused record.
9. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that co-accused has already been granted bail, the present applicant is in custody since 31.01.2020, charge sheet has been filed and the disposal of case may take some time, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
10. Accordingly, the application is allowed. The applicant is ordered to be released on bail on his executing a personal bond for a sum of Rs.25,000/- 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 disposal of the trial.
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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde