

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2821 of 2020

- Shadab Khan S/o Aslam Kadri Aged About 19 Years R/o Ward No. 1, Pipariya, Khairagarh, Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through - District Magistrate, Rajnandgaon, District- Rajnandgaon, Chhattisgarh. **---- Respondent**

 For Applicant : Mr. Abhishek Pandey, Advocate
 For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

02.06.2020

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.254/2019, registered at Police Station -Khairagarh, Rajnandgaon (C.G.) for the offence punishable under Section 454, 380 read with Section 34 of IPC.
4. It is the case of the prosecution that on 16.07.2019 when wife of the complainant Rekhram Verma had gone to Bank, one unknown person entered in the house and stolen Rs. 10,000/- thereafter the complaint has been filed against the applicant/accused. The present applicant is in custody since 05.12.2019.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in

question. He further submits that as the applicant is in custody since 05.12.2019., charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.

6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 05.12.2019., charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one local surety in like sum to the satisfaction of the concerned 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 23.3.2020 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
bond afresh and the bail bond already furnished shall be
deemed to be the bail bond furnished in compliance of the
order of this Court, but if he has not furnished the bail bond
earlier, then he will be required to furnish bail bond within
four weeks from today.

12. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Nadim