

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3204 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, Advocate.
For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.07.2020**

- Heard on admission.
- Admit.
- The accused/applicant has moved his **second bail** application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 1070/2019 registered at Police Station – Durg Kotwali (C.G.) for the offence punishable under Sections 457 and 380 of Indian Penal Code, 1860.
- The first bail application of the applicant was dismissed as withdrawn with liberty to file the same after examination of memorandum of seizure witnesses vide order dated 04.02.2020 by this Hon'ble Court in MCRC No. 8189/2019.
- According to the prosecution story, the Police Station- Durg has arrested the present applicant on 08.11.2019 alleging inter alia that the applicant on 03.11.2019 in the night has entered the house of one Kuleshwar Sahu at New Adarsh Nagar, Durg and has stolen Rs. 11,000/- in cash and silver valuables valuing about Rs. 25,000/-, FIR was made by Kuleshwar Sahu on 04.11.2019.
- Learned counsel for the applicant submits that present applicant is

innocent person who have been falsely implicated in the aforesaid case. He further submits that the present applicant is the sole breadwinner of the house and halting in the jail may led the family helpless to incur their livelihood and the applicant is not the habitual offender. He next contended that memorandum of seizure witness PW-2 Rakesh Verma has not supported the prosecution case before the trial Court and due to present situation of pandemic diseased Covid-19 trial is likely to take some time for its final disposal. The applicant is in jail since 08.11.2019, therefore, he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge

Vasant