

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3262 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. H. S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.08.2020**

1. Heard on admission.
2. Admit.
3. Default as pointed out by the Registry is overruled.
4. 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. 936/2019 registered at Police Station- Durg Kotwali, District- Durg (C.G.) for the offence punishable under Sections 457, 380 of IPC.
5. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of memorandum of seizure witnesses vide order dated 04.02.2020 passed in MCRC No. 8208/2020.
6. The prosecution story, in brief is that, on 08.10.2019, the present applicant has committed a theft of Rs. 25,000/- by breaking the

lock of Jain Mandir situated at village Dhanora. On the basis of memorandum, a sum of Rs. 4,000/- has been seized from the possession of the applicant. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

7. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits the applicant is in jail since 08.11.2019 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
8. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there are five other cases have been registered against the applicant and the offence committed by the applicant is of serious in nature, therefore, no case is made out for grant of bail.
9. I have heard learned counsel for the parties and perused the case diary.
10. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that 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.
11. 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.

Sd/-
(Rajani Dubey)
Judge