

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3681 of 2020

- Saddam Hussain, S/o. Niyaz Mohammad, Aged about 27years,
R/o. Near Dehati Hotel, Bilaspur Chowk, Laxmipur, PS
Ambikapur district Surguja CG

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer,
Police Station- Sadar, Ambikapur district Surguja Chhattisgarh.

---- Respondent

For Applicant	: Shri Sumit Singh Rathore, Advocate
For Respondent/State	: Shri H.S.Ahluwalia, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

04/08/2020

Heard on admission.

Admit.

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.17/2020 registered at police station Sadar, Ambikapur District Surguja (CG) for the offence punishable under Sections 457,380,511,427,34 IPC and Section 3 (2) (क) of the Prevention of Damage to Public Property Act.

As per prosecution case, report was lodged by the complainant

alleging that the applicant has caused damaged to the ATM Machine of the Kotak Mahindra Bank and the C.C.TV camera. It is alleged that the applicant and the co-accused person have tried to loot the ATM machine but could not succeed in destroying the same.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant has not committed any theft and has only caused damage to the public property. He further submits that the applicant is in jail since 16.3.2020; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing 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.

Sd/-
(Rajani Dubey)
Judge

suguna