

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4289 of 2020**

- Mohd. Idarish Jakariya S/o. late Jakariy, aged about 76 years, R/o Kumharpara Jagdalpur, District Bastar Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through the Police Station Kotwali, District Bastar Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate.
For Respondent/State : Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.08.2020**

- Heard on admission.
- Admit.
- The accused/applicant has moved this First Bail Application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 108/2020 registered at Police Station - Kotwali, District Bastar (C.G.) for the offence punishable under Sections 420, 406, 467, 468, 471, 212/34 of the IPC.
- The allegation against the present applicant, as per the prosecution case, is that he has helped the co-accused namely Sheikh Saleem Raza in embezzling the amount of Rs. 3,58,56,533/-, received from various sources of the Anjuman Islamiya Committee. Based on that, after completion of

investigation, offence has been registered against the applicant and he has been arrested.

- Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that in the FIR lodged by the complainant, the name of the present applicant is not mentioned and all the allegation is against the co-accused person namely Sheikh Saleem Raza. Referring to Annexure A/4 counsel for the applicant contended that the other co-accused namely Sheikh Saddam has already been granted bail by this Court. He further added in his submission that the applicant is a 76 years old person who is in jail since 18.06.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
- On the other hand, learned State counsel opposes the bail application.
- I have heard learned counsel for the parties and perused the record.
- Considering the facts and circumstances of the case, nature and gravity of the offence, age of the applicant and further considering the fact that the co-accused has already been granted bail by this Court, as the applicant is in jail since 18.06.2020 and the 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 application is allowed.
- Accused/applicant is directed to be released on bail on his

executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu