

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4264 of 2020**

- Salim Khan, S/o Ali Baksh, Aged about 26 years, R/o Subhash Nagar, Tahsil & District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 383/2019 registered at Police Station- Durg, District Durg (C.G.) for the offence punishable under Sections 457 and 380 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, a report was lodged by the complainant Ashok Kumar Das some unknown persons braked the door of his home and stolen Rs. 11,400/- cash, silver ornaments and utensils worth Rs. 23,550/- and upon memorandum of the other co-accused the present applicant has been arrested and Rs. 1800/- recovered from the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that only Rs. 1800/- cash has been recovered from the possession of the present applicant and no other articles have been recovered. He next submits that the applicant is in jail since 08.11.2019, there is no likelihood of his

case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering 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.
7. 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**

Vasant