

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4216 of 2020

Salim Khan S/o Ali Baksh, Aged About 26 Years R/o Subhash Nagar,
Durg, Tehsil And District Durg Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh, Through The S. H. O. Durg, District Durg
Chhattisgarh **--- Respondent**

For Applicant	:	Mr. Avinash Chand Sahu, Advocate
For State	:	Mr. Alok Bakshi, Additional A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/09/2020

Heard.

1. The 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.1074 of 2019 registered at Police Station- Durg, District Durg (C.G.) for the offence punishable under Sections 457, 380 of IPC.
2. The prosecution case is that on 04.11.2019, the applicant and other co-accused entered the house of one Prakhar Yadu and have stolen some ornaments worth Rs. 10,500/-.
3. Learned counsel for the applicant submits that the applicant has not committed any offence. He has been falsely implicated. It is submitted that the investigation is complete, charge-sheet has also been filed and the applicant is in jail since 08.11.2019. It is further argued that co-accused similarly situated namely Naeem Baksh has been granted bail by this Court on 05.06.2020 in M.Cr.C. No.2923 of 2020.
4. On the other hand, learned counsel for the State opposes the prayer and submits that a prima facie case is made out against the applicant

because from the possession of the applicant, some of the stolen silver jewelry have been found.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the maximum sentence which could be awarded for the alleged commission of offence, investigation is complete, charge-sheet has been filed and the applicant is in jail since 08.11.2019 and that co-accused similarly situated namely Naeem Baksh has been granted bail by this Court on 05.06.2020 in M.Cr.C. No.2923 of 2020, the application is allowed.

6. 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.

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

8. Certified copy, as per rule.

Sd/-
(Manindra Mohan Shrivastava)
Judge