

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4676 of 2020

- Arbaz Khan, S/o. Sehzaad Khan, Aged about 21 years, R/o. Village Belpahad, Jashpur, District Jashpur CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Jashpur, district Jashpur CG

---- Respondent

For Applicant : Shri S.S.Baghel, Advocate
For Respondent /State : Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/08/2020

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. 314/2019 registered at police station Jashpur, district Jashpur (CG) for the offence punishable under Section 395/34 IPC.

As per prosecution case, report was lodged by the complainant alleging that when he along with his friends were returning from Belpahad temple, the applicant along with accused persons carrying sticks assaulted them and looted Rs. 16,400/-.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the complainant has not supported the prosecution case before the trial court. He further submits that similarly placed co-accused persons have been granted

bail by this Court in M.Cr.C. Nos. 1684/2020, and 3973/2020 vide orders dated 15.05.2020 and 13.07.2020 therefore, the present applicant may also be granted the benefit. Lastly, he submits that the applicant is in jail since 08.11.2019; 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, therefore he may be released on bail.

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.

Sd/-
(Rajani Dubey)
Judge