

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5089 of 2020**

- Mahtab Alam, S/o Shri Shahabuddin Ansari, Aged about 21 years, R/o Village Peta, PS & Tahsil Bageecha, District Jashpur (C.G.) ---- **Applicant**

Versus

- State of Chhattisgarh, Through – PS Shankargarh, District Balrampur- Ramanujganj (C.G.) ---- **Respondent**

MCRC No. 5093 of 2020

- Mahtab Alam, S/o Shri Shahabuddin Ansari, Aged about 21 years, R/o Village Peta, PS & Tahsil Bageecha, District Jashpur (C.G.) ---- **Applicant**

Versus

- State of Chhattisgarh, Through – PS Shankargarh, District Balrampur- Ramanujganj (C.G.) ---- **Respondent**

For Applicant : Mr. Pawan Shrivastava, Advocate.
For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/09/2020**

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. 23/2020 in MCRC No. 5089/2020 and Crime No. 24/2020 in MCRC No. 5093/2020 registered at Police Station- Shankargarh, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 457 and 380 of the IPC, 1860.
2. The prosecution story in brief is that, complainant lodged a report alleging that in the intervening night of 15.03.2020 and 16.03.2020 some unknown persons entered into the house of the complainant and committed theft of animals. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 the present applicant is a driver and he is working as a driver and driving the four-wheeler vehicle of the co-accused and he was not aware about the crime and he has been arrested only on the basis of memorandum of co-accused and only the four-wheeler vehicle has been seized from the possession of the present applicant. He next submits that the applicant is in jail since 18.03.2020, 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 18.03.2020, 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. 25,000/- with one 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**