

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6898 of 2020**

Aftab Khan S/o Nesar, Aged About 26 Years R/o Village -
 Ukai, Police Station - Sanna, District - Jashpur
 Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through - Station House Officer,
 Police Station - Kusmi, District - Balrampur - Ramanujganj
 Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Hariom Rai, Advocate

For Non-applicant/State : Shri Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****16.12.2020**

1. Today, when the matter is taken up for consideration, learned counsel for the applicant submits that the submission made by him on the last date of hearing with regard to grant of bail to the applicant by the learned Court below in other offences was on the basis of information given by the counsel of the Court below that the applicant has been enlarged on temporary bail on other crime registered against him. He submits that this case may be heard on merits.
2. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to

applicant, who is in custody since 23.06.2020 in connection with Crime No.45 of 2020 registered at Police Station Kusmi, District Balrampur-Ramanujganj, Chhattisgarh for commission of the offence punishable under Sections 379 and 411/34 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that in the intervening night of 09.03.2020 & 10.03.2020, applicant committed theft of solar water pump of CRI company amounting to Rs.35,000/-, based upon which, crime was registered against unknown person. During the course of investigation, applicant was arrested and his memorandum statement was recorded.
4. Shri Hariom Rai, learned counsel for the applicant submits that applicant is an innocent person and he has been falsely implicated in the case. He further submits that applicant has been arrested by the Police once and he has been made accused in all other crime registered against unknown person prior to registration of crime No.45 of 2020. He further submits that applicant has already suffered jail sentence of about more than 5½ months, hence, he may be enlarged on bail.
5. On the other hand, Shri Ashish Tiwari, learned State Counsel opposes the prayer for grant of bail and submits that applicant is a habitual offender and as per the report

available on the case diary, as many as four other crimes are registered against him.

6. I have heard learned counsel for the parties.
7. Taking into consideration the entirety of facts and circumstances of the case, particularly, nature of allegation and further considering the period of pre-trial detention without commenting on merits of the case, I am inclined to release applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge