

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6968 of 2020**

- Aakib Khan S/o Mublik Khan Aged About 32 Years R/o Village Jamunia, Police Station Sahpur Lohara, District Kabirdham Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, District Kabirdham Chhattisgarh.

---- Respondent

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

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.12.2020**

1. The accused/applicant has moved this **Second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 175/2019 registered at Police Station – Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Section 420/34 of the IPC.
2. The first bail application of the applicant was dismissed as withdrawn on 04.09.2020 passed in MCRC No. 6017/2020 by this Court.
3. As per the prosecution case, the allegation against the present applicant is that he and co-accused, his father, are engaged in the business of grain trading, they purchased the grains from villagers and did not pay the consideration.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that co-accused Mublik Khan has already been

granted bail by this Hon'ble Court on 03.09.2020 passed in MCRC No 5309/2020. He further contended that the present applicant is in jail since 27.05.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

5. Per contra, State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, fact that the co-accused has already been granted bail by this Court, as 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu