

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6848 of 2019**

- Soheli Khan S/o Shri Shamsheer Khan Aged About 23 Years Occupation Laborer, R/o Village Jashpur, P. S. Udhamsingpur, Uttarakhand, At Present R/o Village Saraipali, P. S. Saraipali, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Of The Out Post Jutemill, P. S. Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Abhishek Saraf, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/02/2020**

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. 401/2019 registered at Police Station-Out Post-Jutemill, P.S. Kotwali, District - Raigarh (C.G.) for the offence punishable under Sections 457, 380 and 411/34 of the IPC.
2. The prosecution story, in brief is that, complainant Raj Kishore Swarnkar lodged a complaint that some unknown person entered in his house and committed theft of cash and ornaments and the same was sold to the present applicant consequentially on the basis of memorandum of co-accused the present applicant has been arrested. Based on this, offence has been registered against the present applicant.
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 memorandum and seizure

witnesses have not supported the prosecution case before the trial Court and the applicant is in jail since 17.07.2019, 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.
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 the facts that memorandum and seizure witnesses have not supported the prosecution case before the trial Court and the applicant is in jail since 17.07.2019 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. 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.

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