

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6681 of 2019**

- Ashif Khan, aged about 28 years, S/o Babu Khan (wrongly mentioned as Babukant in the order), Caste Musalman, R/o Chhuikhadan, Police Station & Tahsil Chhuikhadan, District Rajnandgaon (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Chhuikhadan, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri Abhishek Sharma, Advocate
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/05/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.166/2019, registered at Police Station - Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Sections 457, 380 and 34 IPC.
2. The prosecution story, in brief, is that complainant Sachin Mahobiya made a written report at police station Chhuikhadan stating therein that in the night intervening 25/26.06.2019 some unknown persons, after breaking lock of his house, committed theft of certain golden and silver ornaments as also case of Rs.5,000/-. During investigation, the applicant was taken into custody, his statement was recorded wherein he admitted his guilt. Based on this, offence has been registered. The present applicant has been taken into custody on 26.06.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant has been arrested only on the memorandum statement. He also submits that the applicant is in custody since 26.06.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposing the bail application submits that the applicant has criminal antecedent.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of offence, quality of evidence and further considering the fact that the applicant is in custody since 26.06.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks

from today.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde