

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7453 of 2019**

- Mohammad Shafi, S/o Mohammad Isak, Aged About 42 Years, Caste Muslim, R/o Ajad Chowk Ruvabandha, Bhilai, Tahsil and District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Chowki Birejhar, Police Station- Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.01.2020**

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. 293/2019 registered at Police Station- Police Chowki Birejhar, Police Station- Dhamtari, District- Dhamtari (C.G.) for the offence punishable under Sections 457, 380/34 of IPC.
2. The prosecution story, in brief is that, in between 20.04.2019 at about 17.00 hrs to 21.04.2019 at about 5.00 hrs (in the night), the applicant and other co-accused persons have stolen total 36 numbers of goats from the house of complainant namely Girdhar Yadav. Thereafter, 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 the applicant is in jail since 19.07.2019, 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, and further considering the facts that the applicant is in jail since 19.07.2019 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. 25,000/-, 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**