

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7684 of 2019**

1. Shahid Alam S/o Fakre Alam Aged About 23 Years Caste Muslim, R/o Village Telayidhar, Police Station And Tahsil Sitapur, District Surguja, Chhattisgarh.
2. Modassir Khan @ Bhuiya S/o Muslam Khan Aged About 20 Years R/o Raikera, Ghaghipara, Police Staion And Tehsil Sitapur, District Surguja, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Sitapur, District Surgjua, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Nishi Kant Sinha, Advocate.
For Respondent	:	Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.01.2020**

- The accused/applicants have moved these first bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 84/2019 registered at Police Station - Sitapur, District Surguja (C.G.) for the offence punishable under Sections 457, 380, 34 of IPC.
- The prosecution story in nutshell is that, on 06.07.2019, applicants along with other co-accused person have trespassed the house of the complainant at night and committed theft of Rs. 70,000/- and two silver coins. Based on this, after completion of investigation, offence has been registered against the applicants and they have been arrested.
- Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the case. He further submits that the present applicants have been made accused in the crime in question only on the basis of the memorandum statement of the co-accused persons in another crime number however there is no evidence to connect the applicants with the aforesaid offence. He next submitted that the applicants namely Shahid Alam and Modassir Khan @ Bhuiya are in jail since 19.09.2019 and 31.10.2019 respectively and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the fact that the offence is triable by Judicial Magistrate First Class, as 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 applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu