

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 791 of 2021

- Shabbir Javed Jafrin, S/o Javed Jafri, Aged About 32 years, R/o Shivaji Nagar, Nulawala and Junawala, Pune, Maharashtra, District : Pune, Maharashtra. **---- Applicant**

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station P.S. Purani Bhilai, District : Durg, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Shri Aman Pandey, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 29.10.2020 in connection with Crime No. 502 of 2019 at Police Station- Purani Bhilai, Durg, District- Durg (C.G.) for the offence punishable under Section 420/34 of I.P.C.
2. Case of the prosecution, in brief, is that on 12.11.2019 three unknown persons projecting themselves as a crime branch officers, asked the complainant to remove his golden chain and bracelet and kept the same, the complainant objected to it, they told that they will keep the same safely in the dickey of the vehicle. Thereafter, the chain and bracelet weighing 100 gm were rapped in paper and shown to have been kept in the dickey of the complainant's vehicle. Later when the complainant checked, he found some pieces of stones in the dickey. In this way, the complainant has been cheated by the aforesaid persons of Rs. 3 lakh the value of aforesaid jewellery. On report being

lodged to the above effect on 12.11.2019 offence under Section 420/34 of IPC was registered and during investigation the applicant and other co-accused persons were arrested.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he submits that the applicant/accused was arrested only on the basis of suspicion. He further submits that there is no evidence which connects the present applicant with the alleged commission of offence. Only one criminal antecedent of the present applicant registered in Pune and he has already been granted bail by the trial Court in the said case. No telephone record or document has been seized from the applicant to prove the allegation against him, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicant is a habitual offender. From the CCTV footage of one shop near the spot it is clear that present applicant was involved in the present case.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the allegation made against the present applicant, detention period of the applicant, who is 32 years old, the applicant is in jail since 29.10.2020, charge-sheet has already been filed, the applicant has only one criminal antecedent, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, he has already been released on bail by the order of trial Court and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 1,00,000/- with two sureties of

Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

- (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim