

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1328 of 2021**

- Tabrez Shah S/o Jibrail Shah Aged About 24 Years Caste- Shah, R/o Village Azad Mohall, Karbala Raod Jashpurnagar, Police Station And District Jashpur, Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Shri Jitendra Kumar Saxena, Advocate.

For Non-applicant : Shri Uddhav Sharma, Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****26.05.2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 27.01.2021 in connection with Crime No. 223/2020 registered at Police Station Jashpur, District – Jashpur (C.G.) for the offence punishable under Sections 294, 323, 506, 394, 120-B, 201 of IPC.
2. Case of the prosecution, in brief is that on 04.11.2020 complainant Purushottam Painkra lodged a report at the police station, Jashpur alleging that two unknown persons looted one motor-cycle bearing registration No. C.G.-15-CX-3134 and two mobiles of Vivo company at Kere Road. On the basis of the report, the offence was registered against unknown persons and during the course of investigation, the applicant has been arrested on 27.01.2021.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, he has not looted the motor-cycle and mobile from the complainant, the alleged property has not been recovered from the applicant, the applicant is in jail since 27.01.2021, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. From the materials collected during the investigation by the prosecution, vehicle has been seized on the memorandum of the applicant which was given to him by co-accused Javed Shah who is younger brother of the present applicant, the applicant is in jail since 27.01.2021, Challan has already been submitted before the Judicial Magistrate First Class and that conclusion of the trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and 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 surety of Rs. 25000/- to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial Court, till disposal of the trial.

Sd/-

(Narendra Kumar Vyas)
Vacation Judge