

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3447 of 2021**

- Shekh Sarwar, S/o Shekh Sattar, aged about 30 Years, Resident of Chunabhatthi, Raman Mandir Ward, Police Station Ganj (Wrongly mentioned as Mowa in the impugned rejection order) Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Ganj, Raipur, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri C.R. Sahu, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

20/07/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.07/2020 registered at Police Station- Ganj, Raipur, District Raipur, C.G. for the offence punishable under Section 394 of Indian Penal Code.
3. As per the prosecution story, complainant- Shekh Jameel made oral complaint to the concerned police station alleging in it that some unknown person looted Rs.980/- from the drawer of his shop. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.
4. Learned counsel for the applicant submits that applicant is an

innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence as alleged against him. Applicant is in jail since 29.12.2020, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail on the ground of parity.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that there are as many as 9 criminal antecedents of the present applicant.

6. Heard learned counsel for the parties.

7. Considering the facts and circumstances of the case, the fact that the complainant is the real maternal uncle of the applicant, the matter has been amicably settled between them by executing affidavit wherein the complainant states that now there is no dispute between them and he has no objection to release of the applicant on bail, the detention period of the applicant, who is 30 years old, charge sheet has already been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the

following conditions:-

- (i) 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,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

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

Akhilesh