

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5038 of 2021

- Ateek Ul Rehman S/o Shri Gulbas Ansari Aged About 43 Years At -Karma Chowk, Urla, PS Urla, Raipur, Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through P.S. Urla, District - Raipur, Chhattisgarh

---- Respondent

For Applicant	: Shri Lukesh Kumar Mishra, Advocate
For Respondent/State	: Shri Roshan Dubey, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

16.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.71 of 2021 registered at Police Station Urla, District- Raipur, Chhattisgarh for the offence punishable under Sections 379 of the IPC and 146/196 and 3/181 of Motor Vehicles Act, 1988.

2. Case of the prosecution, in brief, is that, a written report was lodged by one Anand Mohan Shukla stating therein that some unknown persons have made theft of Ferro Alloy from his premises. Based on report, initially crime was registered against unknown persons. During the course of investigation, one Raju Dhruv @ Jageshwar and Mukesh Das @ Mukku were also implicated in crime. Applicant was arrested on 01.03.2021.

3. Shri Lukesh Kumar Mishra, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. He submits that though seizure of part of theft material has been stated to be seized from possession of applicant from his house, but Police has not collected any material or document that the house is owned by applicant. There is no past criminal antecedents against applicant. Applicant is in jail since 01.03.2021, offences are triable by the Judicial Magistrate First Class, and trial may take some time, hence he may be released on regular bail.

4. Shri Roshan Dubey, learned State counsel opposing the submissions of learned counsel for the applicant, submits that based on written complaint, during the course of investigation, Police seized part of theft Ferro Alloy from possession of applicant, which shows *prima facie* involvement of applicant in aforementioned crime. However, upon asking of any criminal antecedents against applicant, after going through case diary, he submits that there is no mention of any criminal antecedents of applicant.

5. I have heard learned counsel for the parties.

6. Taking into consideration facts and circumstances of the case, nature of allegations, applicant being 1st offender, he is in jail since 01.03.2021, offences are triable by Judicial Magistrate First Class, without commenting anything on merits of the case, I am inclined to enlarge applicant on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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