

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4956 of 2021

- Zishan Ali, S/o Faizal Ali, Aged About 24 Years, R/o Kabaadi Chowk, K.K. Road, Moudhapara, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- SHO Police Station Supela, District- Durg, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri B.P. Singh, Advocate
For Non-Applicant/State : Smt. Deepti Shukla, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

30.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 01.10.2020 in connection with Crime No. 560/2020 registered at Police Station- Supela, District- Durg (C.G.) for the offence punishable under Section 457, 380, 34 of IPC.
- 2) Case of the prosecution, in brief, is that the present applicant alongwith other co-accused persons illegally entered the shop of the complainant by breaking open the lock and stole 25 numbers of new mobile phones of different companies, 6 numbers of old mobile phones, 1 mobile repairing machine, accessories and cash of Rs. 500/-, total valuing Rs. 2,00,000/-.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that earlier similar offence was registered against the present applicant and other co-accused person bearing crime number 127/2021 and both of them have been acquitted by the

trial Court vide judgment dated 4th of June, 2021 (annexure A/2). In the present case, charge-sheet has already been filed, the applicant has been arrested on 01.10.2020, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and due to Covid-19 trial is likely to take some time for its final disposal, therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, the nature of allegation made against the present applicant, the fact that applicant and co-accused person have already been acquitted by the trial Court in similar offence, charge-sheet has already been filed, the detention period of the applicant, who is 24 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to Covid-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a 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 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

Nadim