

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6653 of 2021**

Abdul Jameel S/o Abdul Jaleel @ Jaleel Miya Aged About 28 Years R/o
Ward No. 13, Highschool Para, Khariyar Road, PS Jonk, Tehsil and
District Nuapada (Orrisa)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Komakhan, District
Mahasamund, CG

---- Non-applicant

For applicant	Mr. Shubhank Tiwari, Adv.
For non-applicant/State	Ms. Anjali Singh Chauhan, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****24-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 26/2021 registered in police station Komakhan, Distt. Mahasamund, (CG) for offence punishable under Section 392, 454, 427, 398 of IPC.
3. Brief facts of the case are that 3 unknown persons entered into house of complainant in the noon of 11-2-2021 and on the point of knife, they robbed Rs. 30,000/- from wife of complainant by threatening to kill her. Based on above facts, present crime was registered against unknown persons. During the course of investigation, applicant was arrested and based on his memorandum, cash amount of Rs. 3,000/- has been seized from him.
4. Learned counsel for the applicant argued that the applicant has been falsely implicated in this case. He is in jail since 12-8-2021, charge sheet has been filed, offences are triable by JMFC, hence the bail application may be allowed.
5. On the other hand, the State Counsel opposed the bail application and submitted that applicant has been identified by the wife of complainant in the test identification parade, which shows his involvement in commission of crime. Other two co-accused persons are absconding.

Therefore, he is not entitled to be enlarged on bail.

6. I have heard counsel for both the parties and perused the case diary and the material available on record.
7. Considering the facts and circumstances of the case, detention period of the applicant, as stated by both the parties charge sheet has been filed, the offence is triable by JMFC, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge