

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8694 of 2020**

- Khurshid Aalam, S/o Late Ajj, Aged About 50 Years, Caste- Muslim Residence Of Village- Taranako, P.S.- Rajdhanwar, District- Giridih, (Jharkhand) At Present R/o Nagar Surajpur Tahsil & District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Pratappur District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.N. Pandey, Adv.
For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.03.2021**

1. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 57/2018 registered at Police Station- Pratappur District- Surajpur, (C.G.) for the offence punishable under Section 380 of IPC.
2. The prosecution story, in brief is that, complainant lodged a written report alleging that on 04.05.2018, applicant committed theft of one mobile phone, motor cycle bearing No. CG/15/7378 and cash amounting to Rs. 3 lacs. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the charge-sheet has been filed and the offence is triable by Judicial Magistrate First Class and there is no antecedent against the applicant. He next submits that applicant is in jail since 26.10.2020 there is no likelihood of

his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that one mobile phone, motor cycle bearing No. CG/15/7378 and cash amounting to Rs. 3 lacs has been seized from the possession of the applicant and the offence committed by the applicant is of serious in nature, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that charge-sheet has been filed and the offence is triable by Judicial Magistrate First Class and he is in jail since 26.10.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi