

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9318 of 2020

Shuja Kureshi, S/o Khurshid Kureshi, Aged about- 32 years, R/o- New
Adarsh Nagar, Durg, District, Durg (C.G.) ----- **Applicant**

Versus

State of Chhattisgarh, Through: The Station House Officer, Police
station Bhilai Nagar, District Durg (C.G.) ----- **Non-Applicant**

For Applicant : Shri Jitendra Gupta and Shri Love
Kumar Ramteke, Advocates

For Non-Applicant/State : Shri V.K. Agrawal, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 17.10.2020 in connection with Crime No. 398/2020 at Police Station- Bhilai Nagar, District- Durg (C.G.) for the offence punishable under Section 457 & 380 of Indian Penal Code.
2. The allegation against the applicant is that on 12.10.2020 he alongwith other co-accused persons committed theft of various items such as Camera-DVR, LCD, Mouse and Gutkha, Pan masala, Cigarette and cash of Rs.6500/-, total value of the stolen items are worth Rs. 40,000/- from the shop of the complainant.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that applicant is in jail since 17.10.2020, co-accused person namely Mazhar Qureshi has already granted bail by this Court vide order dated 22.01.2021 in MCRC No. 9151 of 2020, charge-sheet has been filed and that conclusion of the trial is likely to take some time, therefore, at

this stage, he may be granted bail.

4. On the other hand, learned State Counsel opposes prayer for grant of bail.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the facts and circumstances of the case, co-accused person has already granted bail by this Court, the applicant is in jail since 17.10.2020, charge-sheet has already been filed, conclusion of the trial is likely to take some time and offence is triable by the Magistrate, without expressing my opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

Sd/-

**(Gautam Chourdiya)
Judge**