

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9151 of 2020

- Mazhar Qureshi, S/o late Wahid Qureshi, aged about 33 years, R/o Kelabadi, Durg, District Durg (C.G.) (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Police Station Bhilai Nagar, District Durg (C.G.)

---- State/Non-applicant

For Applicant	:	Shri S.S. Baghel, Advocate
For Non-Applicant/State	:	Shri B.L. Sahu, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.10.2020 in connection with Crime No. 398/2020 registered in Police Station- Bhilai Nagar, District Durg (CG) for the offence punishable under Sections 457 & 380 of IPC.
2. As per prosecution story, the complainant is a shopkeeper and he operates his betel shop in New Civic Center, Bhilai. On 12.10.2020, one of the customer of the shop namely Parth Shrivastava told the complainant that the lock of his shop is broken. Allegation against the present applicant is that he alongwith other co-accused persons has stolen various items of the shop of the complainant amounting to Rs.40,000/-.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 17.10.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, 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 and also he has only one criminal antecedent as admitted by both the counsel, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of 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 the 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 not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge