

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8732 of 2021

Mohd. Shafi @ Lallu, S/o Mohd. Ishak, Aged About 44 Years R/o. Ruvanbandha, Azad Chowk, Ward No.63, Bhilai, Tahsil And District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - The Station House Officer, Police Of Police Station Utai, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Jitendra Gupta, Advocate
For Respondent – State	:	Smt. Reena Singh, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.391/2021, registered at Police Station Utai, District – Durg (CG) for the offence punishable under Sections 457, 380 and 34 of the IPC.
2. As per the prosecution case, the applicant along with the co-accused has stolen nine goats worth Rs.22,400/- from the house of the complainant. On the basis of which report has been lodged.
3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. The applicant is in jail since 02.10.2021 the trial is likely to take some time and the applicant is a permanent resident of Chhattisgarh State, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that in the order of the Court below it has been revealed that various offences has been registered against the present applicant under different sections, therefore, his application may be rejected.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the period of detention of the applicant and the nature of accusation that the prosecution has not submitted any record that the applicant has been punished in any of the cases registered against him, further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding and offence is triable by JMFC conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the 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) the Applicant and the surety shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.
 - (e) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge