

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9004 of 2021

- Mo. Jauni Ali, S/o Mr. Mo. Rehmat Ali, Aged About 33 Years, Resident of 15 Sayed Coloney, Outside Chaar Darwaja Jaipur Rajasthan, Present Address- Chichola, Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Police Station City Kotwali, District- Rajnandgaon, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Raza Ali, Advocate
For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17.12.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 21.06.2021 in connection with Crime No. 300/2021 registered at Police Station- City Kotwali, District- Rajnandgaon (C.G.) for the offence punishable under Sections 457, 380, 411 & 34 of IPC.
- 2) Allegation against the applicant is that on 08.06.2021 when the complainant was coming back to his home from Nagpur, he saw that lock of the main gate alongwith other locks of the house were broken and found that his golden jewellery with other items worth of Rs. 3,65,000/- were stolen. Thereafter, he lodged report against unknown person and during investigation upon secret information, the present applicant was arrested.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that co-accused persons have already been granted bail

by this Court vide orders dated 28.07.2021 & 11.08.2021 in MCRC Nos. 4772/2021 & 4983/2021, the applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 21.06.2021, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, co-accused has already been granted bail by this Court, charge-sheet has already been filed, the detention period of the applicant, who is 33 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of **Rs.2,00,000/-** with two sureties of **Rs. 1,00,000/-** each to the satisfaction of the concerned trial Court, he shall be released on bail, on 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

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

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim