

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4137 of 2015**

Rajendra Chauhan S/o Madanlal Chauhan, aged about 28 years, Occupation-
Labourer, R/o village-Mirauni, Tahsil-Dabhra, District Janjgir-Champa (CG)

---Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station Kotra
Road, District Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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 in connection with Crime No.16 of 2012, registered at Police Station-Kotra Road, District-Raigarh (CG), for the offence punishable under Sections 379 and 201/34 of the IPC.
2. Case of the prosecution, in brief, is that the present applicant and other co-accused persons are alleged to have stolen paddy worth Rs.18576/- and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in offence in question. The applicant is in jail since 16.7.2015.
4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant is habitual defaulter and his

presence could be secured only by issuing standing warrant of arrest. The applicant absconded since 28.6.2012 and charge-sheet has been filed in his absence. There is every likelihood of his absconding if he is released on bail including the non-cooperation of trial and investigation.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of offence and also considering the fact that the applicant absconded since 28.6.2012 and his presence could be secured only after issuing standing warrant of arrest and as such, his act demonstrates that he has not co-operated in investigation and trial, I am of the considered opinion that it is not a fit case where the applicant can be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-