

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6717 of 2015

Chetan Nishad, S/o. Tilak Ram, Aged About 25 Years, R/o. Kharora,
Police Station Kharora, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station :
Kharora, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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.138/2015 (wrongly mentioned as Crime No.138/14 in the impugned order), registered at Police Station- Kharora, District Raipur (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 17-18.05.2015 the incident has been occurred and the FIR was lodged that from the form house of the complainant, 10 pipes were stolen. Subsequently, on investigation, the applicant was arrested and on the memorandum of the co-accused the goods were seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the charge sheet has been filed. He further submits that the applicant is in jail since 31.07.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that as many as 7 cases under Section 379 are to the credit of the applicant which are pending.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the past antecedents of the applicant and the proximity of time between the earlier crime, the similar crime has been committed, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge