

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5631 of 2015**

Manoj Kumar Vais Son of Damoder Vais, aged about 24 years, Resident of Chindwada, Thana Darbha, Civil & Revenue District Bastar (CG)

---Applicant

Versus

State of Chhattisgarh through Station House Officer, Jagdalpur Kotwali, District Bastar (CG)

---Non-applicant

For Applicant	:	Mr. Punit Ruparel, Advocate
For Non-applicant	:	Mr. Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/10/2015

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.128/2014, registered at Police Station-Jagdalpur Kotwali, District-Bastar (C.G.), for the offence punishable under Sections 457, 380, 411 414/34 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant along with other co-accused persons stolen jewelleryes and ornaments from the house of complainant Satyanarayan Agrawal in the intervening night of 22/23.3.2014 and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that co-accused Subba Rao and Parwati Vais have already been enlarged on bail by this Court vide orders dated 10.9.2014 and 25.8.2015 passed in M.Cr.C.Nos.4508 of 2014 and 4278 of 2015 and case of the present applicant is similar to that of co-accused, and therefore, he may

also be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and inform that the applicant along with co-accused has stolen the property and it has been recovered from the possession of the present applicant.

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; the manner in which the applicant is said to have stolen the property and subsequent recovery and the fact that case of the present applicant is distinguishable to that of the case of co-accused Subba Rao and Parwati Vais, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-