

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 183 of 2016

- Omprakash Upadhyay S/o Keshav Prasad Aged About 21 Years
R/o Kotsagar Para P.S. Kota Rev. and Civil District Bilaspur
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Police Station Civil Line District
Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pravin Tulsyan, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 401/2015 registered at Police station Civil Lines, Distt. Bilaspur (C.G) for the offences punishable under sections 379, 411 & 34 IPC.
2. As per the prosecution case, a report was made by Pramod Kumar Tandon that on 01.08.2015, he went to a liquor shop on his motorcycle to purchase liquor and when he came back, he found that his motorcycle bearing Regn.No.C.G.10-E.J/9915 was stolen. Therefore, the report was made. According to the seizure memo, the vehicle was recovered from co-accused Ravendra Triwari and on his memorandum, it was revealed that co-accused Ajhar Parvej was arrested in crime and on his memorandum. it was further revealed that this applicant along-with Ajhar Parvej committed theft of 5 motorcycles.
3. Learned counsel for the applicant submits that in other cases, the applicant has been enlarged on bail and in four cases, he

has been falsely implicated on the memorandum of co-accused Ajhar Parvej and no evidence is available against him to connect him in those offences.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that as against the applicant apart from present crime, 3 other cases vide Crime Nos.408/2015, 448/2015 and 582/2015 have been registered and all these case are relating to theft of motorcycles.
5. Taking into the totality of the facts and circumstances of the case and apart from the present crime, 3 other similar cases are pending against him, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**