

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3550 of 2016

Ravi Thapa, S/o. Ram Bahadur Thapa, Aged About 26 Years, R/o. Pathraguda Ward, Post Office & Police Station - Jagdalpur, District – Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - D.D. Nagar, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.07.2016

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.210/2013 registered at Police Station- D.D.Nagar, District Raipur (C.G.) for the offence punishable under Section 457 & 380 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Omprakash that on 30.08.2013 a Laptop was stolen in the house. Subsequently, on investigation, the applicant was arrested and on the memorandum of the co-accused that he alongwith the applicant has committed theft, recovery of the stolen property was made from the co-accused.
3. Learned counsel for the applicant would submit that no evidence is available against this applicant and the applicant has been falsely implicated in this case and he is in jail since 08.10.2013, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as many as 11 cases of similar type nature were registered against the present applicant and he is the habitual offender, therefore, he may not be released on bail.
5. Perused the case diary and the documents. It appears that 11 cases were registered against the applicant under different Sections of IPC and most of them were of theft. Considering such past history of the applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge