

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3912 of 2016

- Avinash S/O Shri Ramesh Giri Goswami Aged About 20 Years R/O Village Reta, Thana Dharsiwa, District Raipur, At Present R/O Houseing Board Colony, House No. 07, Mahasamund, Thana & Tahsil Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh.

--Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Kasdol, Civil & Revenue District Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.

For Respondent/State : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-07-2016

1. This is 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 on 14-01-2016 in connection with Crime No. 363 of 2015 registered at Police Station Kasdol, District Balodabazar (CG) for the offence punishable under Sections 454 and 380 of the IPC.
2. As per case of prosecution, on 26-8-2015 a report was made by the complainant Akshay Kumar Patel that on 25-8-2015 at about 1 to 3 pm some unknown persons entered into his house and committed theft of gold and silver ornaments including ATM card amounting to Rs.85,000/- and subsequently, the applicant was arrested in connection with another Crime No. 148 of 2015 and on investigation it was found that the applicant has also committed theft of ATM card

and gold and silver ornaments belonging to the complainant which were seized from the applicant and same were identified by the complainant and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no evidence is available against the applicant to connect him with the crime in question. He would further submit that charge-sheet has been filed, the applicant in jail since 14-1-2016 and no further investigation is required, therefore, he may be released on bail.
4. *Per contra*, learned State counsel opposing the bail application would submit that the gold and silver ornaments which were seized from the applicant were identified by the complainant, therefore, the applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary and other documents which would show that apart from this case, three more cases like similar nature of offence have been registered against the applicant under different Sections of IPC and the documents would further show that withdrawal has been made by the applicant and the applicant appears to have committed the similar nature of offence and the ornaments which were seized from the applicant were identified by the complainant.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, considering the fact

that the applicant is involved in similar type of cases which are quite high and further considering the back-ground and past antecedents of the applicant, I am not inclined to release the applicant on bail.

7. Accordingly, the instant bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju