

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4495 of 2016

Vinod Ekka @ Petara, S/o. Soharai Ekka, Aged About 29 Years, R/o. Pakar Goan Jhajhi Para, Police Station- Patthalgaon, Distt. - Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Batouli, Distt. - Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rishi Rahul Soni, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.08.2016

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.26/2015 registered at Police Station- Batouli, District Sarguja (C.G.) for the offence punishable under Section 379, 411, 34 of Indian Penal Code, Section 136, 137, 140 of Electricity Act, 2003 and Section 3(2)(a) of the Prevention of Damages to Public Property Act, 1984.
2. Case of the prosecution, in brief, is that the applicant was involved in theft of transformers from various places and thereafter had taken out wires out of transformers and sold the copper coil to different purchasers. When investigation was made, copper coil was recovered from the possession of the applicant and thereby the aforesaid offence has been committed.
3. Learned counsel for the applicant would submit that as one memorandum was recorded in Crime No.130 of 2015, all the offences are attributed to the applicant whereas there is serious

discrepancy in between the statement of the seizure witnesses and the memorandum which would go to show that the applicant has been falsely implicated in this case. He would further submit that charge sheet has been filed, the applicant is in jail since 24.09.2015 and no further investigation is necessary, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that apart from this case, as many as 36 criminal cases of similar nature of offences are registered against the applicant and the applicant is repeating the similar nature of offence and had stolen transformers from different places and sold the same to different purchasers, therefore, he 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.
6. Perused the case diary which contains the statement of the list of cases against the applicant which shows that in different Police Stations 36 cases have been registered against the applicant of like nature of offence and recoveries thereof were made from him. Taking into consideration all the facts and circumstances of the case, nature and gravity of offence and further considering the past background of the applicant against whom number of criminal cases have been registered of like nature of offence, 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