

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3615 of 2016

- Devendra Kumar Mordhavre S/O Lakshmi Prasad Aged About 25 Years R/O Kanchanbagh Bans Tall, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Rajnandgaon, Police Station Kotwali, Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.07.2016

1. This is the second 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 1-10-2015 in connection with Crime No. 420 of 2015 registered at Police Station Kotwali, Rajnandgaon (CG) for the offence punishable under Sections 457 and 380 of the IPC. Earlier first bail application was rejected on 12-12-2015 on merits.
2. As per prosecution case, a report was made by the complainant that in the night of 27-6-2015 at about 9.25 pm, theft of gold and silver ornaments and cash of Rs.20,000/- was committed in his house and subsequently during the course of investigation, the applicant was arrested and on his memorandum the ornaments were seized from his possession and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that seizure witness Uttam Singh has been examined in this case and he has not supported the prosecution case and other witness Bunty Sahu has not turned up despite orders summons were issued by the Court. He would further submit that the applicant is in jail since 1-10-2015, therefore he may be enlarged on bail.
4. *Per contra*, learned State counsel opposing the prayer for grant of bail would submit that another case in the like nature is pending against the applicant and the ornaments in this case have been identified by the owner along with number, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Considering the facts and circumstances of the case and further considering the fact which is existing on record that the owner had identified the ornaments which were stolen and further no change of circumstances appears for consideration of the second bail application, I am not inclined to release the applicant on bail.
7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju