

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3704 of 2016

1. Sanjay @ Bablu, S/o. Ramnath, aged about 25 years, R/o. Hardilongra Para, Sevri, P.S. Rajpur, District – Balrampur-Ramanujganj (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the S.H.O., Police Station – Rajpur, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.63/2016, registered at Police Station – Rajpur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 379 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant was arrested on 01.04.2016 and during investigation it was found that the applicant along with other co-accused persons have committed various theft and Submersible pump was recovered from the possession of the applicant which was stolen from one Gahadul for which an FIR was registered formally on 05.04.2016.
3. Learned counsel for the applicant submits the applicant has been falsely implicated in this case and no FIR was registered against the applicant and recovery was made after arrest of the applicant. It is

further submitted that charge-sheet in this case has been filed and the applicant is in jail since 01.04.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that two cases are registered against the applicant under Crime No.68/2015 for the offence under Section 394 of I.P.C. and under Crime No.17/2016 for the offence under Section 379 of I.P.C. and the applicant is in habit of the same, therefore, it is submitted that the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the documents and the case diary. Perusal of the document shows that submersible pump which was seized from the applicant was identified by the complainant and as has been stated two cases are registered against the applicant. Considering the past antecedents of the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge