

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4201 of 2016

1. Shani @ Sani Kumar, S/o. Jugal Kishor Sooryavanshi, aged about 20 years, R/o. Naya Talab, Mopka, Police Station – Sarkanda, Tahsil and District (Revenue & Civil) – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. Sarkanda, District (Revenue & Civil) – Bilaspur, District- Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Anand Kesharwani, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/08/2016

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.73/2015, registered at Police Station – Sarkanda, District- Bilaspur (C.G.) for the offence punishable under Section 457, 380/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 27.04.2015, complainant Madanlal when he went out, received a phone call that window of his house is broken and after coming he saw that camera, few of silver ornaments and mobiles has been stolen for which a report was made. Subsequently, the applicant was arrested and on his memorandum, camera which was stolen was recovered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no offence has been committed. It is further submitted that charge sheet in this case has been filed and the applicant is in jail since 14.05.2015, therefore, 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 as many as four cases of similar like nature is pending against the applicant under Crime No.41/2012, 156/2015, 170/2015 and 178/2015. Therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and documents. Perusal of the document shows that from the possession of the applicant, camera was seized which was identified. Considering the fact that similar like nature of four cases are to the credit 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