

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7584 of 2015

1. Mukesh Bhai Bhayandi @ Naidu, S/o. Jetha Bhai Bhayandi, aged about 58 years, R/o. Shivnagar Kewadabadi Bus Stand Raigarh, P.S., Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Chakradhar Nagar, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Vivek Kumar Pandey, Advocate
For Respondent/State	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

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.351/2015, registered at Police Station – Chakradhar Nagar, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 454 of I.P.C.
2. Case of the prosecution, in brief, is that on 15.10.2015, the applicant entered into the house of complainant Shailesh Agrawal by broking the lock and tried to commit theft.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 15.10.2015 and taking into the fact that no further evidence is required, 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 in earlier case under Crime No.450/1986, the applicant has already suffered 7 years of sentence and again the offence has been repeated, therefore, he prays that the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact 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