

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.102 of 2016**

Adil Khan @ Raju, S/o. late Mohd. Samir, aged about 34 years, R/o. near Life Birth Samta Colony, Raipur, Tahsil and District Raipur (CG)

---Applicant

Versus

The State of Chhattisgarh through Station House Officer, Police Station Nagari, District Dhamtari (CG)

---Non-applicant

For Applicant	:	Mr. Y.C. Sharma, Advocate
For Non-applicant	:	Mr. D.R. Minz, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/02/2016

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.76/2015, registered at Police Station-Nagari, District-Dhamtari (CG), for the offence punishable under Sections 379 and 411/34 of the IPC.

2. Case of the prosecution, in brief, is that on 24.9.2015 the present applicant along with other co-accused persons stolen 24 pieces of mobile tower battery amounting to ₹1,50,000/- owned by ATC company.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is in jail since 4.11.2015, charge-sheet has already been filed and there is no legally admissible evidence against the present applicant and therefore, he may

be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that three criminal cases of similar nature are pending against the present applicant. He would further submit that he is habitual of the offences of like nature and as such, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; recovery of empty boxes and the fact that three criminal cases of similar nature are registered against the present applicant and pending consideration, I am not inclined to release the applicant on regular bail. Consequently, bail application filed on behalf of the applicant is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-