

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6317 of 2016

Avinash S/o Ramesh Giri Goswami Aged About 20 Years R/o
Village Reta, Thana Dharsiwa, District Raipur, At Present R/o
Housing Board Colony, House No. 07, Mahasamund, Thana Tahsil
Mahasamund, Civil & Revenue District Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of
Police Station - Kasdol, District - Baloda Bazar Chhattisgarh

---- Respondent

For applicant - Shri Yogesh Chandra, Advocate.
For Respondent/State – Shri Wasim Miyan, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/10/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 20/07/2016 vide M.Cr.C. No.3912 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 363/2015 registered in Police Station Kasdol, District-Baloda Bazar (C.G.) for offence punishable under sections 454, 380 of Indian Penal Code.
3. As per the prosecution case, on 26/08/2015 a report was made by the complainant Akshay Kumar that on 25/08/2015 at about 1 to 3 pm some unknown persons entered into his house and committed theft of gold and silver ornaments including ATM card amounting to Rs.85,000/- and subsequently, the applicant was arrested in connection with another Crime No.148 of 2015 and on investigation it was found that the applicant has also committed theft of ATM card and gold and silver ornaments belonging to the complainant which were seized from the applicant and

same were identified by the complainant and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that there is no progress in trial and the applicant is in jail since 14/01/2016, therefore, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. Considering the fact that on the earlier occasion the bail application was dismissed on merits. Taking into fact that earlier dismissal is only on 20/07/2016 no substantial delay appears to be present on the face to consider the bail application on the ground of delay. In the facts of the case, I do not find any change of circumstances to reconsider this second bail within a short period of time.

7. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE