

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7195 of 2016

1. Roopchand Manhar @ Shivkumar Manhar, S/o. Horilal Manhar, aged about 28 years, R/o. Village- Sarganwa, Police Station – Masturi, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through: its Police Station : Masturi, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Ravi Maheshwari, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

18/11/2016

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.29/2016, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 457, 380 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a theft of one set of computer took place in Tahsil Office Masturi. Subsequently, the applicant was arrested in another case and on his memorandum certain properties were recovered, wherein it was found that computer which was stolen from the Tahsil Office Masturi was also stolen by the present applicant. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no identification of property. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 08.07.2016. 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 as many as 9 criminal cases are to the credit of the applicant including case of 110 of Cr.P.C. for two times, therefore, the counsel submits that the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case, the nature of evidence available and the past background of the applicant as 9 criminal 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