

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8189 of 2016

- Vikas @ Vicky Choudhary S/o Shri Prabhat Kumar Choudhary Aged About 19 Years R/o Ravanbhatha, Mandirhasoud, Tahsil Arang, District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Vidhansabha, Raipur, District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. P.K. Patel, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 20-9-2016 in connection with Crime No. 181 of 2016 registered at Police Station Vidhansabha, Raipur, District Raipur (CG) for the offence punishable under Sections 454 & 380/34 of the IPC.
2. Case of the prosecution, in brief, is that on 31-7-2016 the applicant entered into the house of complainant Prateek Mishra, had stolen gold chain, gold-tops, gold ring and diamond ornaments which were worth Rs.3,50,000/-. Subsequently, the applicant was arrested and on the memorandum statement of the present applicant, ornaments were recovered from other co-accused which were identified and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no seizure has been made from the present applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 20-9-2016 and no further investigation is necessary, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application and would submit that apart from this case, as many as eight cases of the similar nature of theft are registered against the preset applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration all the facts and circumstances of the case, nature of allegations and degree of offence, back-ground of the case and further considering the fact that as many as eight cases of similar nature of offence are to the credit of the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju