

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6764 OF 2017

Manoj Soni, S/o Ramji Soni, aged about 32 years, Caste- Soni, R/o Village- Khairwar, Ambikapur, P.S. & Tehsil- Ambikapur, District Surguja (C.G.)

... Applicant

versus

State of Chhattisgarh, through Station House Officer, Bhatgaon, Revenue & Civil District- Surajpur (C.G.)

... Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 1.8.2017 in connection with Crime No.151/2017 registered at Police Station- Bhatgaon, District- Surajpur, for the offence punishable under Section 379 of IPC and Sections 146/196, 39/192 & 3/181 of the Motor Vehicles Act.
2. Allegation against the Applicant as per the prosecution case is that the Applicant was found to be in possession of certain scrap materials weighing 3 quintal valued at Rs.3800/-.
3. Learned Counsel for the Applicant submits that the co-accused person has already been released on bail by the Trial Court itself and the present Applicant was refused bail on the ground of certain past antecedents that he had. Learned Counsel for the Applicant further submits that the Applicant was not involved in any other theft case and this is the first theft case and he has already remained in custody for a period of more than four months and therefore considering the nature of offence, the Applicant may be released on bail.

4. Learned Counsel for the State however opposes the bail application on the ground that the Applicant is a person with many criminal cases registered against him in the past and the present is also a theft case and therefore he does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly the nature of offence and the period of custody already undergone by the Applicant, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the bail application is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge