

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5754 of 2017

Bheem Singh Thakur S/o Shri Narad Singh Thakur, Aged About 30 Years R/o Tekripara, P.S. Takhatpur, Present Address Behind Saai Mandir, Sharda Nagar, P.S. Civil Lines, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through S.H.O., P.S. Civil Lines, District Bilaspur, Chhattisgarh

---- Respondent

For the Petitioner : Achyut Tiwari, Advocate.

For the Respondent/State : Shri Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03.10.2017

1. Heard on application under Section 439 of Cr.P.C.
2. Applicant is arrested and placed in detention since 29.06.2017 in connection with Crime No.397/2017 registered in PS- Civil Lines, District- Bilaspur, for offences under Sections 379,411 of India Penal Code. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated, there is no direct evidence against him and the property of theft has been recovered from the co-accused, hence, under these facts and circumstances the applicant is entitled for bail.
3. Learned counsel for the State opposes the application and the submissions made in this respect. It is submitted that two more similar cases are registered

against the applicant which shows that he is a habitual offender, therefore, he is not entitled for bail.

4. Learned counsel for the applicant submits in reply that applicant has been enlarged on bail by trial Court in other cases and all the cases have been registered against the applicant, on the basis of one single memorandum and prior to that the applicant has no criminal history.
5. I have heard the learned counsel for the parties and perused all the documents placed on record.
6. There is a report attached in case diary reflecting that there is no criminal history of the applicant, although the recovery and seizure of the property of theft the bicycles have been made at the instance of the applicant. Looking to the nature of the case and taking into consideration that the applicant has no criminal history and he is a local resident of Bilaspur, it appears to be a fit case in which the applicant is entitled to be enlarged on bail.
7. Accordingly, the bail application under Section 439 of Cr.P.C is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge