

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1633 of 2017

Bhagirathi Kashyap, S/o. Bishram Kashyap, (wrongly mentioned Vishram in the impugned order), Aged About 24 Years, R/o. Village Avarid, Police Station- Navagarh, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station House Officer, Police Station- Navagarh, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.R.Chandrakar, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.32/2017 registered at Police Station- Navagarh, District Janjgir-Champa (C.G.) for the offence punishable under Section 457 & 380 of Indian Penal Code.
2. As per the prosecution case, a report was made by Dineshwar Kashyap on 15.02.2017 that his mobile was stolen on 26.10.2016 and during investigation the mobile was seized from the present applicant, which was identified.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that the applicant was earlier convicted in Crime No.163/2012 for a period of 10 years under different Sections and while the jail sentence was suspended, the applicant being on bail again committed the offence.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the offence was committed by the applicant being enlarged on bail by some other crime, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge