

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1979 of 2017**

- Manoj Miri S/o Shri Lakeshwar Miri Aged About 23 Years R/o Village Jamgahan Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar, Chhattisgarh, Mobile No: 9685861052

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Moudhapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri DN Prajapati, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.148/2016 registered in Police Station Moudhapara Raipur for the offence punishable under Section 379 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the four different crime numbers for the offence of theft of two wheelers were registered against the present applicant, instant application is in relation with Crime No.148/2016 by the Moudhapara, Raipur under Section 379 of IPC. He was arrested on 20.02.2017. On the basis of disclosure statement of the present applicant, two

wheeler Active bearing registration No.CG 04 KW 8933 was seized from co-accused Kishore Sahu, who has been enlarged on bail by the trial Court and also the applicant was granted bail in connection with Crime No.151/16 registered at Police Station Saraswati Nagar, Raipur. Also granted bail in connection with Crime No.232/16 registered at Amanaka Police Station under Section 379 IPC and also granted bail in Crime No.15/17 under Section 379/34 IPC, hence, the applicant may be granted bail in the present matter also.

4. On the other hand, learned counsel for the State opposes the bail application.

5. Perused the material.

6. On due consideration as per the order passed in Bail Petition No.404/17 passed by 4th Additional Sessions Judge, Raipur dated 27.02.2017, it appears that five different theft cases have been registered against the present applicant for theft of two wheelers. In the present matter, the applicant is the main accused in whose disclosure statement, two wheeler was seized from one Kishore Sahu and the case of Kishore Sahu is not in parity with present applicant. Also after perusal of the fact that five cases of theft of two wheelers have been registered against the applicant, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

8. As prayed, the Court below is directed to expedite the trial and dispose of the same as early as possible in the matter in accordance with law.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE