

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2816 of 2017**

Sikander Banjare S/o Shiv Banjare, Aged About 25 Years R/o Village Achholi, Police Station Urla, District Raipur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant	:	Shri Y.C. Sharma, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.136 of 2016, registered at Police Station – Dharsinva, District – Raipur, Chhattisgarh for the offence punishable under Section 379 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.9.2016 and he has been falsely implicated in this case. The alleged seizure of the motorcycle has been done from the public place, however, the same has been shown from the possession of the applicant. The applicant is a local resident of District Raipur. Learned counsel for the applicant further submits that with respect to other cases registered against the applicant, he has been acquitted in one of the cases against him and he is on bail in other cases. Hence, for these reasons, the applicant is entitled for grant of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that apart from this case, five other cases were registered against the applicant for similar offence of theft and he is habitual offender, hence, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the nature of the case against the applicant and also that the applicant is a local resident of District Raipur and there is no difficulty in his availability during trial, I am of the view that after imposing some suitable conditions the applicant is entitled for grant of regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge