

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3337 of 2017**

Mohd. Shafik Khan S/o Shri Jaleel Khan, Aged About 36 Years R/o Village Devridehi, Police Station Torva, Tahsil & District (Revenue & Civil) Bilaspur, CG.

At Present R/o Housing Board Colony, Dharampura, Police Station Mana Camp Raipur, Tahsil & District (Revenue & Civil) Raipur, CG.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Civil Lines, District Raipur, Chhattisgarh.

---- Respondent

For applicant	:	Mr. Yogesh Pandey, Adv.
For Respondent/State	:	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4-7-2017**

1. Before argument, learned counsel for the applicant produced the certified copy of the judgment dated 30-1-2010 passed in ST No. 178/2009 passed by the 1st Addl. Sessions Judge, Bilaspur whereby the trial Court has acquitted the applicant from the charges under Section 302 of the IPC. Said certified copy is made part of the record.
2. Heard finally.
3. The applicant has preferred this application for grant of bail as he is arrested on 24-2-2017 in connection with Crime No. 141/2017 registered in PS Civil Lines, Distt. Raipur for offence punishable under Section 381 of the Indian Penal Code.
4. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Raipur as Criminal Case No. 3346/2017. He further submits that regarding the matters surfaced vide order sheet dated 9-6-2017, the applicant was granted benefit of doubt for the charge under Section 302, IPC and 1st ASJ, Raipur acquitted the applicant. For remaining

other matters, the applicant is not in a position to submit document showing fate and status of the said matters. He has oral information. He has been falsely implicated. He may be granted bail as he is in custody since long.

5. Per contra, learned counsel for the State opposes the argument advanced on behalf of the applicant on the basis of 10 matters registered against the applicant prior to the incident.
6. Perused the entire matter and also the contents as surfaced in the order passed by the the 3rd Addl. Sessions Judge to the Court of 1st Additional Sessions Judge, Raipur.
7. Earlier 5 matters under Section 379, IPC have been registered as Crime No. 1/2017, 270/2013, 30/2009, 32/2009, 33/2009 goes to show that earlier 5 theft matters have been registered against the applicant. Another matter registered against the applicant was in relation to Section 34(2) of the CG Excise Act as Crime No. 85/2013. One more complaint No. 2/2009 under Section 41 sub-section (1) of Cr.P.C. read with S. 379 of Cr.P.C. has been registered against him. Two other matters were registered in relation to preventive proceedings including Section 110 of the Cr.P.C. which goes to show the criminal antecedent of the applicant and also after perusal of the evidence collected in the present matter, I am not inclined to grant bail to the applicant.
8. Instant MCRC is therefore dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge