

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4260 of 2017

- Tejdass Manikpuri S/o Shri Santudas Manikpuri, Aged About 43 Years
By Caste Panka, R/o Awas Plat Para Arandi, Thana Keshkal, District
Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Keshkal, District
Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. R.S. Patel, Advocate.
For Respondent/State	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/10/2017

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. 19/2017, registered at Police Station- Keshkal, District – Kondagaon (C.G.) for the offence punishable under Sections 459, 294, 506 and 323 of Indian Penal Code (for short 'IPC') and also for offence under Section 224 of IPC.
2. Learned counsel for the applicant submits that applicant is in jail since 6.3.2017 for the alleged offences. Applicant is innocent and has been falsely implicated in this case and he is hopeful that he will succeed in trial. The trial is likely to take some time, hence, prayed that the applicant be enlarged on bail.
3. Learned State counsel opposes the prayer for grant of bail, however,

he would submit that applicant has criminal antecedent, hence, for these reasons applicant is not entitled for grant of bail in this case.

4. Heard both the parties and perused the case diary.
5. By orders of this Court dated 10.10.2017, report has been called about the status of the previous criminal cases against the applicant, according to which in Crime No.83/2017 prosecution for offence under Sections 459, 294, 506 and 323 of IPC applicant has been acquitted by the Court whereas in Crime No.20/2017 applicant has been convicted under Section 224 of IPC and sentenced with imprisonment of 3 months.
6. The case against the applicant is this, that on 6.3.2017 the residence of applicant was searched and Ganja contained in the plastic bag of weight 1.5 kg was seized from his possession, on which basis the offence has been registered, investigated and charge-sheeted. The present case against the applicant is different in nature compared to the previous cases against him.
7. Considering this fact that applicant is in custody since 6.3.2017 and taking into consideration this fact that charge-sheet has been filed, no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is a fit case for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha