

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4451 of 2017**

- Chandan Nat S/o Pitambar Nat, Aged About 40 Years
Occupation Labourer, R/o Village Diwanpur, Police Station &
Tahsil Patthalgaon District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Kamleshwarpur, District Surguja Chhattisgarh

---- Respondent

For Applicant	: Shri Vivek Kumar Pandey, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.8.2017**

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.32/2016 registered in Police Station Kamleshwarpur, Distt. Surguja (CG) for the offence punishable under Section 392 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 03.11.2016, after investigation, police has filed charge sheet which is pending before Judicial Magistrate First Class, Sitapur as Criminal Case No.258/2016. Learned counsel for the applicant would submit that he is not aware whether co-accused Madhu Nut has preferred any bail application or not. He further submits that the applicant is the first offender,

he is the resident of Jashpur, he is in jail since long, he will not commit any offence in future. From the applicant a motor cycle allegedly used for the commission of offence has been seized, he was identified in test identification parade. As per the allegation, the applicant and co-accused Mandu Nat looted Rs.30,000/-from complainant Basmatiya Bai, thereafter both the accused persons shared the money equally, the applicant left the place for other State and spent the money there. Learned counsel for the applicant submits that he will not commit any offence in future, hence he may be granted bail.

4. Per Contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that the applicant along with co-accused looted Rs.30,000/-, he was duly identified in the test identification parade and the motor cycle used for the commission of offence was also seized from the applicant. His memorandum statement was recorded and also earlier as per the facts surfaced in the case diary, many matters have been registered against the applicant in different police stations prior to the incident which are as follows:

Sl. No.	Crime No.	Offence U/S.
01.	121/2009	392 IPC
02.	123/09	392 IPC
03.	124/09	379 IPC
04.	125/09	379 IPC
05.	126/09	379 IPC
06.	127/09	379 IPC
07.	128/09	392 IPC
08.	140/09	379 IPC
09.	426/06	392/34, IPC 279
10.	262/2012	392 IPC
11.	265/2013	379/34 IPC

Looking to his criminal antecedent, his bail application may be dismissed.

5. Perused the material.

6. Considering the criminal antecedent of similar nature committed by the applicant and also looking to the facts surfaced in the present matter, I am not inclined to grant bail to the applicant.

7. Consequently, bail application filed under Section 439 of the CrPC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE