

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6047 of 2017

- Lokeshwar @ Golu S/o Kapil Shrivastava Aged About 24 Years R/o Nawapara, Pandatarai, Police Station District Kabirdham Chhattisgarh Presently R/o At Ramnagar Near Vivekanand School Kawardha District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Of Police Station In Kawardha District Kabirdham Chhattisgarh.

---- Respondent

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MCRC No. 6050 of 2017

- Lokeshwar @ Golu S/o Kapil Shrivastava, Aged About 24 Years R/o Nawapara, Pandatarai, Police Station Pandatarai Kailash Nagar, Ward No. 3, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Supela, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajit Singh, Advocate
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. Both applications are the first bail applications 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. 124/2017 in MCRC No.6047/2017 registered at Police Station-

Kawardha, District – Kabirdham(C.G.) and Crime No.478/2016 in MCRC No.6050/2017, registered at Police Station-Supela Bhilai, District – Durg(C.G.) for the offence punishable under Sections 457 and 380 of Indian Penal Code (for short 'the IPC').

2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case, he is in jail since 28.5.2017. The cases against him and offence are triable by Judicial Magistrate, the disposal of trial is likely to take some time and the applicant is local resident of District-Kawardha, he is ready to abide of all the conditions imposed for grant of bail, 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 9 other similar cases of theft have been registered against the applicant between 2006 to the current year. Although, there is no report as to conviction in any of the cases registered earlier against him, hence, it is prayed that applicant should not be enlarged on regular bail.
4. Heard both the parties and perused the case diary.
5. In Crime No.124/2017, the complainant Agam Das Manikpuri lodge FIR in police-station alleging that gold ornaments worth of Rs.1,80,000/- was stolen from his place of residence. During investigation, a piece of gold was recovered from the applicant on the basis of his memorandum thereafter charge-sheet has been filed, after completion of investigation.
6. In Crime No.478/2017, FIR was lodged by Balarm Chand Rajput that cash Rs.2.5 lakhs and gold & silver coins were stolen from his shop by some unknown persons. Applicant was arrested in connection with this

case but no seizure was made from the applicant.

7. Considering on the submissions, the contents of the case diary and the nature of the case against the applicant and particularly this fact that the case against the applicant is triable by the Magistrate, I am of this view that applicant deserves to be enlarged on bail, hence, both the applications are allowed.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are 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/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge