

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6832 of 2017**

Dharam Giri S/o Late Mohan Giri, Aged About 30 Years Caste Goswami, R/o Village Mukta, Police Station Jaijaipur, District Janjgir Champa Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Birra, Through District Magistrate, Janjgir Champa Chhattisgarh

---- Respondent

For the Applicant : Shri N.K. Chatterjee, Advocate.
For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.12.2017**

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. 117 of 2017, registered at Police Station Birra, District Janjgir-Champa, Chhattisgarh for the offence punishable under Section 379 of the Indian Penal Code and Section 41(1-4) of Cr.P.C.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The case has been investigated and the charge-sheet has been filed. There is no substance in the prosecution case against the applicant to hold him guilty for the offences charged against him. The applicant is in jail since 16.9.2017 and he is ready to abide by all the

conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on 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 the applicant has a previous history of two cases of concerning theft of motorcycles 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. The facts of the case are that on 15.9.2017 the theft of motorcycle had taken place, co-accused – Sanju Giri @ Sanjeev was arrested and interrogated and at his instance one stolen motorcycle was recovered from the possession of the applicant. After completion of investigation, the charge-sheet has been filed.

6. Considering the submissions and the contents of the case-diary, in the present situation the trial against the applicant is pending before the concerned Court which is likely to take some time for its conclusion, the fact that the applicant is a resident of District Janjgir-champa and there shall be no difficulty in his availability during trial, the application deserves to be allowed.

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

8. 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

Nimmi