

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 345 of 2017

- Rajvinder Singh @ Daini S/o Late Ram Singh, Aged About 40 Years R/o Ward No. 12, Contractor Colony, Supela, Police Station- Supela, Tehsil & District- Durg, Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Police Station- Supela, District- Durg, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. R.K. Jain, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-02-2017

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 on 25-7-2016 in connection with Crime No. 683 of 2016, registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 341, 294, 506-B, 327, 323, 427, 34 of IPC and Section s 25 & 27 of the Arms Act. Charges have been framed by adding Section 147, 148, & 149 of IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Saleem Khan that on 20-7-2016 applicant demanded money from him for liquor and having denied the applicant took out knife and thereby he ran away and thereafter the applicant along with other co-accused persons damaged his motor-cycle and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he is in jail since 25-7-2016 and after filing of charge-sheet on 29-8-2016, on 6-10-2016 statements of Yashwant Sarathi (PW/1) and Sanjay Sarathi (PW/2) have been recorded and thereafter on eight dates no witnesses have turned up despite bailable warrants were issued. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 25-7-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that apart from this case 35 cases under different Sections of IPC have been registered against the applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and documents which would show on earlier occasion on 2-8-2016 bail application of the applicant was dismissed as withdrawn by the court below. The documents would further show that 35 cases under different Sections of IPC from 1999 without intervention are to the credit of the applicant.
6. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence and further considering the fact that 35 cases are to the credit of the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

