

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2234 of 2017

Sukhiram Ratre, S/o. Shri Ramu Ratre, aged about 35 years, R/o. Village-Dhandhan, Police Station – Takhatpur, District – Bilaspur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer -Lormi, District – Mungeli (C.G.)

---- Respondent

For Applicant : Mr. Dharendra Pandey, Advocate

For Respondent/State : Mr. O. P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/04/2017

1. This is the third 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.426/2015, registered at Police Station – Lormi, District – Mungeli (C.G.) for the offence punishable under Section 379, 420 Indian Penal Code. The first bail application was dismissed on merits vide order dated 28.06.2016 in M.Cr.C. No.2686/2016 and the second bail application was dismissed on 09.11.2016 in M.Cr.C. No.6996/2016.
2. As per the prosecution case, a report was made by one Kamal Prasad Dhritlahre that on 15.09.2015 he had gone to Janpad Panchayat Lormi along with Panch namely Kushwir on his motor cycle bearing Regn. No.C.G.-10-EN/9577 and parked the vehicle in front of office. When he returned from the office of Janpad Panchayat, his motor cycle was found stolen. On the report made, investigation was conducted and the motorcycle was recovered from the applicant. The allegation is that

after committing theft of motor cycle, the original registration number C.G.-10-EN/9577 was replaced by another registration No. i.e. C.G.-10-EM/8125 by the applicant, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has shown to be arrested on 07.01.2016 and only five witnesses have been examined. Considering the the detention of the applicant, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the earlier bail rejection order, which shows that 10 motorcycle and 1 Scooty were recovered from the possession of the applicant, which were accepted to be stolen. Predominantly, the bail was rejected as the applicant was projected as habitual offender. Now 5 witnesses have already been examined out of 10 witnesses before the Court below. Taking into such fact I do not find any change of circumstances to reconsider the bail application again.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge