

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1448 of 2018**

Sanjay @ Golu Netam S/o Shri Rajkumar Netam Aged About 28 Years R/o- B.S.U.P. Colony, Block No. 04, House No. 23, Raipura, P.S. D.D. Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S. Pandri, Mova, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Ranjana Jaiswal, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.05.2018**

Heard.

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.416 of 2017 (wrongly mentioned in the order sheet of the court below as Crime No.412 of 2017), registered at Police Station Pandri, Mova, District – Raipur, Chhattisgarh for the offence punishable under Section 380 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 28.12.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The case is triable by the Judicial Magistrate First

Class and the conclusion of the trial is likely to take some time for its final disposal. 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 this applicant appears to be habitual offender as previously he has been prosecuted in 11 criminal cases for similar nature of offence. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, a theft was committed in the house of complainant – Alok Nayak in which some mobile sets and cash amount was stolen by some unknown thief. After lodging of FIR, at the instance of the applicant, one mobile phone and cash was recovered from his possession which has been identified as stolen property. Hence, this case.

6. Considered the material present in the case-diary. The last prosecution against this applicant was of the year 2015. Subsequent to that, this incident had occurred on 13.12.2017 after a gap of two years. There is no report as to the result of the previous prosecution against the applicant but it appears that the applicant had been at liberty when this offence is alleged to have been committed. Hence, considering the fact that the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

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

8. It is directed that applicant shall be released on bail on his 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