

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2708 of 2018**

Johan Das Vaishnav, S/o. Bedvyas, Aged About 38 Years, R/o. Village Lukupali, Police Station -Beltukari, Distt. Nuwapada Orissa.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Office, Police Station Sankra, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kishore Narayan, Advocate
For State/respondent	: Mr. Ashok Kumar Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/06/2018**

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.23/2018, registered at Police Station – Sankra, District – Mahasamund (C.G.), for the offence punishable under Section 379 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 22.02.2018. On the basis of the one memorandum statement, four cases have been registered against this applicant out of which in three cases, the applicant has been released on bail by the concerned trial Court and the case is pending for trial. Hence, prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted

that the applicant is being prosecuted in four similar cases, hence, he is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, motor cycle bearing registration No.C.G.-04-DH-3953 was stolen from the possession of the complainant Antaryami Bhoi. After lodging of FIR, the same has been recovered from the possession of this applicant at his instance along with three other motor cycles. Hence this case.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary and looking to the pendency of trial against the applicant and likelihood of delay in conclusion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge