

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 7224 of 2017**

- Chandrakant Sahu S/o Ankalu Sahu Aged About 30 Years R/o Village Remadwa, Thana Gandai, District Rajnandgaon Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Kumhari, District Durg Chhattisgarh.

**---- Respondent**

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For the applicant : Shri Vikash Pandey, Advocate

For the Respondent/State : Shri V.B. Singh. PL.

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

**Order on Board**

**04.01.2018**

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 in connection with Crime No. 84/2017, registered at Police Station – Kumhari, District – Durg (C.G), for the offences under Sections 457, 380, 411 read with Section 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Charge against the applicant is that he received the stolen property worth about

Rs. 6,000 /-. He is in jail since 27.07.2017 and ready to abide by the conditions which may be imposed upon him while granting bail, therefore, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that 12 cases are registered against the applicant regarding receiving stolen property, which shows that he is a habitual offender because of which he is not entitled for grant of bail.
4. Learned counsel for the applicant submits in reply that all the 12 cases have been registered against the applicant on the basis of one single memorandum statement given by the co-accused person, the applicant is acquitted in 07 cases against him and the remaining 05 cases are pending before the trial Court. The applicant is a local businessman because of which making purchases is in practice for him.
5. Heard counsel for both the parties and perused the case diary.
6. Complainant - Nand Kumar Verma lodged FIR that the theft has been taken place in the Ration shop by breaking the lock and the articles of theft were Ration goods. On the basis of memorandum statement given by the co-accused person some articles have been seized from the possession of the present applicant.
7. Considering the submissions made and contents of the case diary, further taking into consideration the nature of the case, which is triable by the JMFC, after filing of the charge-sheet no purpose would be served, if the applicant is kept in detention till the completion of the trial, this Court is of the opinion that

this is a fit case, where the applicant is entitled for grant of bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Jamal