

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8111 of 2017**

1. Rahul Sen S/o Late Santosh Mansana, Aged About 23 Years R/o Jota Road, Tilda, Police Station Nevra, District Raipur Chhattisgarh , Chhattisgarh
2. Deepak Sen, S/o Late Santosh Mansana, Aged About 19 Years R/o Jota Road, Tilda, Police Station Nevra, District Raipur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Tilda Nevra, District Raipur Chhattisgarh.

---- Respondent

For the Applicants : Shri C.R. Sahu, Advocate.
 For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.03.2018**

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 applicants who have been arrested in connection with Crime No.32 of 2017, registered at Police Station – Tilda-Nevra, District – Raipur, Chhattisgarh for the offence punishable under Sections 457, 380 and 427 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Both the applicants are of younger age and they are in jail since 19.1.2017, which is more than one year. Hence, it is prayed that the applicants be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is a previous history of 10 cases of similar nature of offences committed by applicant No.1 – Rahul Sen. 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. FIR was lodged by complainant – Sunil Rajpal regarding theft in his provision store committed in the intervening night of 15.1.2017 and 16.1.2017 by some unknown persons and stealing the cash amount of Rs.4,65,000/- alongwith DBR and Monitor. During investigation, at the instance of both the applicants some articles have been recovered and seized. Hence, this case.

6. Considering the history of 10 previous cases against applicant No.1 – Rahul Sen for prosecution of offences of theft alleged to have been committed, at present, applicant No.1 – Rahul Sen is not entitled for grant of regular bail, whereas, there is no previous history of applicant No.2 – Deepak Sen and looking to his age, which is only 19 years at present, I am of the considered opinion that in this case applicant No.2 – Deepak Sen deserves to be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. of applicant No.1 – Rahul Sen is rejected and applicant No.2 – Deepak Sen is allowed.

8. It is directed that applicant No.2 – Deepak Sen shall be released on bail on 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

Nimmi