

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3320 of 2018

- Santlal S/o Laxman Aged About 37 Years R/o- Podi, Police Station Podi, Tahsil Baikunthpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Podi, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRC No. 3352 of 2018

- Santlal S/o Laxman Aged About 37 Years R/o- Podi, Police Station Podi, Tahsil Baikunthpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station-Podi, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRC No. 4406 of 2018

- Santlal S/o Laxman Aged About 37 Years R/o- Podi, Police Station Podi, Tahsil Baikunthpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Podi, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate
For State/respondent	: Mr. Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/07/2018

1. All the above bail applications are heard and decided together by this common order as they arise out of similar type of offence committed by the applicants.
2. These are the first bail applications 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 Nos.172/2017 in MCRC No.3320/2018, 171/2017 in MCRC No.3352/2018 & 173/2017 in MCRC No. 4406/2018 registered at Police Station Podi, District – Korea (C.G.), for the offence punishable under Sections 457, 380 read with Section 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 7.11.2017. After completion of investigation, charge-sheet

has been filed. No case is made out against the applicants on the basis of the material present in the charge-sheet. The trial against them is likely to take sometime for its conclusion. Hence, it is prayed that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that looking to the number of cases registered against these applicants they appear to be habitual offenders, hence, their applications are liable to be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution case in brief are that :-
 - (I) In Crime No.172/2017 (M.Cr.C. No.3320/2018) Complainant Guruwaro made a complaint regarding theft of scooter, cooler and other items from his house. The applicant was arrested and some articles were recovered at his instance and out of these, one cooler has been identified as stolen property.
 - (II) A similar offence was registered alleging theft of television, cooler, utensils and blanket from his house. One of the stolen articles i.e. television was recovered from the possession of this applicant and accordingly Crime No.171/2017 (M.Cr.C.No.3352/2018) was registered.
 - (II) One another offence i.e. Crime No.173/2017(M.Cr.C. No.4406/2018) was registered against unknown person regarding commission of theft of television, gold & silver jewelery etc. from the house of complainant. One pair of stolen silver anklet, two sarees

worth Rs.5000/- were recovered from the possession of this applicant and the same were identified as stolen articles.

7. Considered on all the material present in the case diary, the fact that case against the applicant is triable by Judicial Magistrate First Class and the trial of the case is likely to take some time for its conclusion, therefore, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. 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

Nisha