

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3783 of 2018**

- Rahul Singh @ Sonu S/o Shri Brijbhushan Singh Aged About 20 Years R/o- Near State Bank Rajpur P.S.-Rajpur, District- Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Incharge P.S.- Rajpur, District- Balrampur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Bhupendra Singh, Advocate.

For Non-applicant : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.07.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 16/2018 registered at Police Station – Rajpur, District – Balrampur (C.G.) for the offence punishable under Sections 380, 457 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the complainant – Anil Soni is the owner of Anil Furniture and Electronics, situated beside State Bank of India, Rajpur. In the intervening night of 15.01.2018 and 16.01.2018 some unknown person has stolen from his shop; cash Rs. 23000/-, 20 silver coins, 60-70 wrist watches, mobile handsets, totaling the cost of stolen property to Rs. 107200/-. During the investigation the memorandum of the applicant has been recorded and some stolen articles have been seized from him.
4. Learned counsel for the applicant argued that the offence is triable by

the Judicial Magistrate First Class, the allegedly seized mobile handsets are not the subject matter of stolen property, he is innocent, he has never been convicted in any case, he has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. He is in custody since 16.01.2018.

7. As per the report submitted by the Station House Officer, Rajpur to the office of the Advocate General, four cases have been registered against the applicant. All the four cases are regarding theft only.

8. Though the offences are triable by the Judicial Magistrate First Class, worth of stolen property is not too much but looking to the fact that four cases regarding theft have been registered against the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

9. Consequently, the present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE