NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4140 of 2018

1. Jitendra Yadav, aged 25 years, son of Gauntiya, resident of Devri Khurd, Police Station Torva, Tehsil and District Bilaspur, CG

---- Applicant

Versus

1. State of Chhattisgarh through Police Station Torva, District Bilaspur

---- Respondent

For Applicant	-	Shri Krishna Kumar Khatri, Advocate
For State	-	Shri Avinash K.Mishra PL

Order on Board by Hon'ble Shri Justice Pritinker Diwaker

02/07/2018

This application under Section 439 of the Code of Criminal Procedure has been filed by the applicant who is in custody in connection with Crime No. 313/2017 registered at Police Station Torva, District Bilaspur for commission of the offence punishable under Sections 457 and 380/34 IPC.

2. Case of the prosecution in short is that on 16.9.2017 in the night hours when the shop of the complainant was closed, the applicant gained entry therein and committed theft of electronic items, sewing machine and grocery items.

3. Counsel for the applicant submits that as the applicant is in jail since 23.10.2017 and the trial may take some time for conclusion, he may be released on bail.

3. State counsel however opposes the application for bail and submits that the applicant is a habitual offender and number of cases of identical nature are pending against him, one such case being M.Cr.C. No. 4141/2018 which is listed today itself at S. No. 55 where also the applicant had committed theft from a mobile shop.

4. Considering the facts and circumstances of the case and the criminal antecedents of the applicant, this Court is of the opinion that it is not a fit case to release the applicant on bail. Accordingly, the application is rejected. Trial Court is however directed to conclude the trial as expeditiously as possible.

Sd/-

(Pritinker Diwaker)
Judge

Jyotishi