

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4171 of 2018**

Dara Singh, S/o. Amar Singh, Aged About 35 Years, Caste - Gond, R/o. Village - Reula, P.S. Kotma, District Anuppur (Madhya Pradesh).

---- Applicant

Versus

State Of Chhattisgarh, Police Station - Ramanujnagar, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vimal Tondey, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

17/07/2018

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. 100/2017, registered at Police Station- Ramanujnagar, District – Surajpur (C.G.) for the offence punishable under Section 457, 380 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 09.10.2017. No case is made out on the basis of the material present in the case diary. Similarly placed co-accused Satyanarayam Soni has been enlarged on bail by this Court. Hence, it is prayed that the applicant may also be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant has criminal history of having been prosecuted for similar nature of offence, hence, he may not be

released on bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. A complaint was filed by the representative of the BSNL that 40 numbers of batteries were stolen from the mobile towers in Ramanujnagar by some unknown person on that basis, FIR was lodged. During the investigation, some batteries were seized from the applicant and other co-accused persons, which has been identified as stolen property.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary and further taking into consideration this fact that similarly placed co-accused person has been enlarged on bail by this Court, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge