

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4724 of 2018

- Sarafraj S/o Shri Haidar Ali Aged About 21 Years R/o- Tulsi Nagar, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Outpost Cseb, Police Station Kotwali, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent	:	Mr. Anant Bajpai Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2018

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 applicant who has been arrested in connection with Crime No.48/2018 registered at Police Station– Kotwali District– Korba (C.G.) for the offence punishable under Sections 457, 380 r/w Section 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 6.5.2018. No case is made out against him. The seizure made from the possession of this applicant does not connect him with the offence which is alleged to have been committed. Similarly placed co-accused

has been granted regular bail by the co-ordinate Bench of this Court.

Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant has criminal history of having been prosecuted for similar nature of offence earlier on five occasions, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. An incident of theft occurred in the house of complainant Hussain in which some gold ornaments, 2 numbers of laptop and cash of about Rs.15,000/- were stolen along with some utensils including a pressure cooker. In the course of investigation, one pressure cooker and some cash has been recovered from the possession of this applicant at his instance.
6. Considered on all the material present in the case diary and further considering the fact that the offences with which the applicant is charged with are triable by JMFC and that the trial is likely to take some time before its conclusion, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

