

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4989 of 2018

- Shiv Prasad Banjare S/o Agnuram Banjare, Aged About 19 Years R/o Atal Awas Block No. 2/36, Kabir Nagar, Police Station Kabir Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kabir Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. A.D. Kuldeep, Advocate
For State/respondent	: Mr. N.K. Mehta. PL for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.03/2018, registered at Police-Station-Kabir Nagar, District-Raipur(C.G.) for the offence punishable under Sections 454 & 380 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 08.01.2018. No case is made out against him. The case is before the

trial Court and the trial is likely to take some time before its conclusion.

Hence, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant has history of having being prosecuted in 4 similar nature of offences, hence, he is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Some gold and silver ornaments worth Rs.81,492/- were stolen from the house of complainant Adeep Kujur. After lodging of FIR, some of the articles have been recovered at the instance of this applicant. Hence, this case.
6. As the case is triable by Judicial Magistrate First Class and the applicant is in jail from about more than 7 months, for these reasons, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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.
8. It is directed that he shall appear before the concerned police-station on every Monday.

Sd/-

(Rajendra Chandra Singh Samant)
Judge