

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4951 of 2018**

Sunny Dubey S/o Shri Suresh Dubey Aged About 21 Years R/o Railway Station Manendragarh, Behind Kali Mandir, Ward No. 08, Police Station Manendragarh, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station G.R.P. Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Patel, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.08.2018**

Heard.

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. 8 of 2018, registered at Police Station G.R.P., Raipur, District Raipur, Chhattisgarh for the offence punishable under Section 379 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 11.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The case is pending for trial before the Court of

Railway Magistrate. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the previous history of having committed similar offence of theft. Hence, looking to the criminal history, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The mobile phone of complainant – Ku. Snehalata was stolen when she was travelling in train. After lodging of FIR in GRP-Champa and during investigation, the same was recovered from the possession of the applicant. Hence, this case.

6. Considering the nature of the case against the applicant, the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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 her appearance as and when

directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi