

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5299 of 2018

- Khanna Dewaar Alias Rajesh, S/o Baiha Dewaar, Aged About 32 Years, R/o Bhainsapara, Balodabazar, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House In-Charge, Police Station City Kotwali, Balodabazar, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Ms. Supriya Upasane, Advocate.

For Non-applicant/State – Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-06-2018 in connection with Crime No.272/18 registered at P.S. - City Kotwali, Balodabazar, Chhattisgarh for the offence under Section 379, 411 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 25-06-2018. No case is made out against him. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that earlier this applicant has been prosecuted for offence under the provisions of the IPC on two occasions and under the provisions of the Arms Act on one occasion, hence, he is not entitled for grant of bail.

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

5. It is alleged that this applicant snatched and committed theft of mobile

phone of complainant Ajay Kumar Dubey. After lodging of the FIR the mobile phone has been recovered from possession of co-accused person. Hence, this case.

6. Considered on the material present in the case diary and also considered this fact that no earlier prosecution of this applicant had been for the offence of theft, hence, for these reasons, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge