

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5591 of 2018

- Gudda @ Javed S/o Abdul Khalid Aged About 40 Years R/o- Ward No. 12, Manendragarh, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Manendragarh, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

For Applicant – Shri N.K. Malaviya, Advocate.

For Non-applicant/State – Shri Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-08-2018

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 06-01-2018 in connection with Crime No.1/2018 registered at P.S. - Manendragarh, District- Koriya, Chhattisgarh for the offence under Section 457, 380 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 06-01-2018. No case is made out against this applicant. Similarly placed co-accused Mohd. Firoz Ansari has been granted bail by this Court in MCRC No.3038/2018 vide order dated 26-06-2018. Hence, it is prayed that the applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has criminal history of having committed similar nature of offence, for which he has been prosecuted in a number of cases against him. Hence, the application may be rejected.

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

5. The case against this applicant is this, that a theft was committed in the house of complainant Suryakant Joshi in which ornaments of gold and silver and some cash were stolen from his house. After lodging of the FIR some articles have been recovered at the instance of this applicant and co-accused which have been identified by the complainant in TI. Hence, this case.

6. Considering on the material present in the case diary and the fact that the case is before the trial Court and the trial against the applicant is likely to take some time before its conclusion, I am of the view that the application deserves to be allowed.

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