

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7599 OF 2018

Ajay Kumar Sahu aged about 19 years, S/o Shri Bholaram Sahu R/o Jarway, Heerapur, Behind Bamleshwari Mandir, PS Kabir Nagar, Raipur, Distt. Raipur (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station Kotwali, Raipur, Distt. Raipur (CG).

... Respondent

For Applicant	:	Shri Dashrath Kushwaha, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/10/2018

1. This is first bail application seeking grant of bail to the Applicant who is in jail since 01.06.2018 in connection with Crime No.162 of 2018 registered at Police Station Kotwali, Raipur, District Raipur for the offence punishable under Section 379/34 IPC.
2. The allegation against the applicant as per prosecution is that the applicant is said to have stolen key of the Maruti Car and Mobile belonging to the complainant from the Hospital where he had gone for treatment of his son and thereafter the applicant had stolen the Car also. During the course of investigation the applicant was arrested and on his memorandum other co-accused persons were arrested and from the possession of other accused persons got the mobile phones and Car etc. recovered and in the course other stolen mobiles were also recovered from the possession of the other co-accused persons.

3. Learned Counsel for the applicant submits that from the possession of the present applicant no recovery whatsoever has been made. There is no past antecedent of the applicant and therefore he may be released on bail.
4. The State counsel opposes the bail application and submits that the manner in which the applicant has committed crime by itself establishes that he is an expert habitual offender. Further, it is a case where the applicant was instrumental in getting the vehicle recovered and also in the arrest of other co-accused persons which by itself establishes the role played by the applicant.
5. Given the aforesaid facts and circumstances of the case particularly the nature of offence and the manner in which it was executed, this court is of the opinion that it is not a fit case to release the applicant on bail.
6. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Judge