

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7532 of 2017**

Chandrakant Sahu, S/o. Ankalu Sahu, Aged About 30 Years, R/o. Village Remadwa, Thana Gandai, District -Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Bori, District -Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pandey, Advocate

For Respondent/State : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/01/2018**

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.46/2017, registered at Police Station – Bori, District – Durg (C.G.) for the offence punishable under Section 457, 380, 411 read with 34 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. The allegation against him is this that he has received stolen property. The bags of rice recovered from the applicant are not identifiable substance, hence, no case is made out. 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 submission made in this respect. It is submitted that the applicant is habitual offender dealing in stolen property, hence he is not entitled for grant of bail.
4. In reply, the counsel for the applicant submits that five cases were registered against the applicant each under Section 411 of I.P.C. out of which in four cases, applicant had been granted bail by this Court.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The complainant – Kunjlal Sahu lodged an FIR that in the fair price shop, Navagaon, incident of theft has taken place, in which the ration articles have been taken away by the unknown thieves. During investigation, three bags of rice were recovered from the possession of this applicant, hence this case.
7. Considered the submission made and the contents of the case diary. The case is triable by JMFC, applicant is in jail since 27.07.2017, he is local resident of District – Rajnandgaon. Taking into consideration the facts and circumstances of this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram