

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8027 of 2017

- Prakash Tandon S/o Shri Guna Ram, Aged About 35 Years, R/o Village Borsi, Police Station Pamgarh, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pamgarh, Tehsil Pamgarh, District Janjgir-Champa Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anish Tiwari, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-03-2018

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 13-05-2017 in connection with Crime No.92/2017 registered at P.S. Pamgarh, District Janjgir-Champa, Chhattisgarh for the offence under Section 457, 380/34 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 13-05-2017. The case against him is triable by JMFC. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has criminal antecedent of having 5 prosecutions against him, one of the previous case is for the offence under Section 457, 380 of the IPC and rest of the cases are under various provisions of the IPC. Apart from that, there had been six more proceedings of preventive nature under the provisions of the Cr.P.C. Hence, he is not entitled for grant of bail.

4. In reply, learned counsel for the applicant submits that out of the five previous cases against this applicant, he has been acquitted in two criminal cases. Hence, he may be granted bail.

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

6. Allegation against this applicant in this case is this, that he committed theft in the house of the complainant Muniram Tandan on 26-03-2017 and he stole some utensils worth Rs.20,000/- from the house of the complainant. After lodging of the FIR, some articles have been seized from the possession of this applicant. Hence, this case.

7. Considering on the material present in the case diary, and the fact that the case against the applicant is triable by the JMFC, also taking into consideration the facts that though he has some criminal antecedent, but there is long detention of the applicant in this case and the applicant is local resident of District Janjgir-Champa, I am of this view that the applicant should be released on regular bail during pendency of the trial against him.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge