

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7956 of 2018**

Vikas Naiya @ Tapan S/o Vijay Naiya Aged About 31 Years R/o Subhash Park, Village Suwapara, P. S. Sonarpur, District South 24 Pargana West Bengal

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar District Durg, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Vivek Tripathi, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30/10/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 141/2018 registered at Police Station Mohan Nagar, District Durg, Chhattisgarh for the offence punishable under Sections 457, 380 of Indian Penal Code.
2. The present applicant is in jail since 07.06.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of prosecution is that present applicant and the other accused persons is said to have committed theft in the premises of the complainant on the afternoon of 15.04.2018 and also at 3-4 other places. In the course, they have committed theft of huge amount of money as well as articles from the house. From the possession of the present applicant was a mobile received, which was owned by the complainant and so far as the other stolen properties are concerned,

according to the applicant the same were distributed among the other accused persons.

4. The counsel for the applicant submits that the present applicant has already remained in custody for a period of about more than 4 months and that except for the mobile, there is no other recovery made from the possession of the applicant and the prosecution has not been fully able to establish the identity of the applicant and the commission of the offence.
5. The State counsel on the contrary opposing the bail application submits that it is a case where the present applicant belongs to the State of West Bengal and he has been arrested and in the course of the investigation from the possession of the applicant, the complainant's mobile was recovered, which by itself establishes the role of the applicant in the said commission of the offence. Thus prayed for the rejection of the bail application.
6. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the manner in which the offence is committed and taking into consideration the statements of the witnesses examined during the course of the investigation, this Court is of the opinion that it is not a fit case for grant of bail to the applicant. Accordingly, the present application for grant of bail is rejected.

Sd/-
(P. Sam Koshy)
Judge