

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 434 of 2019**

Anil Savra S/o Albela Aged About 28 Years R/o Hathband Tahsil And Police Station Simga, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Simga District Balodabazar Bhatapara Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Sushobhit Singh, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/01/2019**

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. 175/2018 registered at Police Station Simga, District Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 379, 411 of the Indian Penal Code.
2. The present applicant is in jail since 21.08.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that the present applicant was found to be involved in the theft of mobile and that the present applicant is said to have stolen the mobile from the pocket of the complainant Subhash Diwaker on 12.06.2018. Later on, in the course of the investigation, the petitioner was found to be in possession of the said mobile and it was recovered from him and he was charged for the offence registered against him.

4. The counsel for the applicant submits that the present applicant has been implicated in five identical matters, all pertaining to the theft of mobile and except for the present one, in all the other four matters, the applicant has already been enlarged on bail by this Court. The applicant has enclosed the copy of the orders of bail passed by the different Benches of this Court in respect of the applicant in connection with the other offences. The counsel for the applicant further submits that the allegations leveled against the applicant are identical to the one, in which the applicant has already been enlarged on bail.
5. The State counsel however opposing the bail application submits that it is a case where the applicant is said to have been involved in the stealing of in all 28 mobiles and there are different crime registered against the applicant for the same nature of crime committed on different dates on different locations and considering the gravity of the offence and the fact that the applicant is in a habit of stealing the mobiles, he does not deserve to be released on bail.
6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the fact that this High Court has already enlarged the applicant on bail in all the other cases, in which he is an accused and in the present case, it is a recovery of only one mobile and considering the duration of custody undergone, Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.
7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a

personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said Court.

Sd/-
(P. Sam Koshy)
Judge

Ved