

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1909 of 2019**

Jaiky Harpal, S/o Shri Dhaneshwar Harpal, aged about 23 years, R/o Mata Nagar, Ghaspara, Post Office & Police Station Khamtarai, Raipur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Khamtarai, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant	: Ms. Mandavi Bhardwaj, Advocate
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.08/2019 registered in Police Station Khamtarai, Raipur, District Raipur for the offence punishable under Sections 457, 380 of Indian Penal Code.
3. Case of the prosecution, in brief, is that complainant Satyabhama Nag resides in Ghaspara, Raipur. In the intervening night of 02.01.2019 and 03.01.2019, some unknown person stole one LED T.V. of Crown company, one mobile of Vivo company, one keypad mobile of Samsung company, one setup box of T.V. and cash Rs.5,000/- from the house of said complainant. On the memorandum of applicant, one mobile of Vivo company, one setup box of T.V., one LED T.V. of Crown company and one keypad mobile of Samsung company were seized from him.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. He submitted that five other criminal cases have already been registered against the applicant in police case.
6. Looking to the facts and circumstances of the case, looking to this fact that five other criminal cases have already been registered against the applicant, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE