

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2661 of 2019**

- Gautam Swai S/o Narhari Swai Aged About 36 Years R/o Katwagarh, Police Station- Rajnagar, District- Kendrapada, Odisha, Present Address- Behind Gurudwara, Mig-4, Tatibandh, Raipur, District- Raipur, Chhattisgarh. Mobil No. 9340777538

---- Applicant

Versus

- State Of Chhattisgarh Through Government Railway Police Station, Raipur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Rajesh Kumar Tripathi, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01/05/2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.16/2019 registered at Police Station- Government Railway Police, Raipur, District- Raipur (C.G.) for the offence punishable under Section 379/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 28.01.2019 complainant Chandrakant Tripathi along with his family members was waiting for the train at railway station Raipur. About 10:40 hours some unknown persons stole his trolley bag containing clothes, ornaments. The total worth of stole property is Rs.4,80,000/-. As per the CCTV footage, applicant was identified. On the memorandum of applicant one trolley bag, some clothes, some jewelries were seized from him. As per the identification memo of seized property, complainant identified four golden bangles, two golden necklaces.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the material available on record against the applicant, looking to the total worth of stole property is Rs.4,80,000/-, this Court is not inclined to get benefit of Section 439 of CrPC to the applicant. Consequently the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul