

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3362 of 2019

- Ramjanam Basour S/o Ramdhari Basour, Aged About 35 Years, R/o Village - Barkalatola, Post Office and Police Station - Bargawan, District - Singhrouli (M.P.), District : Singhrouli, Madhya Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station - Chandani, District - Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-08-2019

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 04-01-2019 in connection with Crime No.51/2018 registered at Police Station - Chandani, District Surajpur, 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 04-01-2019. This applicant has not committed any offence. The case has been registered against this applicant on the basis of one memorandum which was recorded by police Station Baidhan, District Singhrouli, M.P. and on that basis P.S. Chandani has recorded a separate memorandum which is not original. The property seized is not a stolen property. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has criminal history of having 10 separate cases pending against him of similar nature, therefore, he is not entitled for grant of

bail.

4. In reply, it is submitted that all the cases were registered against the applicant on the basis of one single memorandum statement taken, therefore, that cannot be said as previous incident. Apart from that, the applicant has been released on bail in all the other cases registered against him by the trial Court as well as by the High Court of Madhya Pradesh.

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

6. Complainant Rajendra Singh lodged the FIR regarding theft of cash and ornaments from his house. During investigation some jewelery, ornaments and cash Rs. 1600/- has been seized from possession of this applicant. Hence, this case.

7. Considering that the applicant is on bail in all the similar cases registered against him and the case is triable by the JMFC, further, the case is now pending for trial, I feel inclined to allow this application.

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