

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4299 of 2019

- Devkumar Khandey S/o Shri Ola Prasad Khandey, Aged About 23 Years By Caste- Satnami, R/o Village Siltara, Police Outpost- Chilfi, Thana-Lormi, Civil and Revenue District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station-Lormi, Civil and Revenue District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

----Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Ashish Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2019

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 18-04-2019 in connection with Crime No.182/2019 registered at P.S. - Lormi, District Mungeli, 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 18-04-2019. This applicant has not committed any offence. The investigation has been completed and charge sheet has been filed. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has criminal history of having two other cases of similar nature against him. Therefore, he is not entitled for grant of bail.

4. In reply, it is submitted by learned counsel for the applicant that on one single memorandum all the three cases have been registered against the

applicant and in other two cases the applicant has been enlarged on bail by coordinate Bench of this Court. Therefore, this application may also be allowed.

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

6. The FIR was lodged regarding theft of one sound box of value Rs.5000/- by complainant Raghav Patel. This applicant was apprehended and on interrogation he made statement for recovery of articles, in which, the sound box was recovered from his possession. Hence, this case.

7. Considering that the case is triable by JMFC and the charge sheet has already been filed, therefore, 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