

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6154 of 2019

- Lal Singh Kanwar S/o Dhanraj Singh Kanwar Aged About 35 Years R/o Village Pali, Tahsil And Police Station Pali, District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Dipka, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant/State	: Mr. Jitendra Shukla, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.10.2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is *repeat* bail application before this Court filed by the applicant for grant of regular bail. The earlier bail application MCRC No.4798/2019 was dismissed as withdrawn on 21.08.2019. The applicant has been arrested in connection with Crime No.213/2018, registered at Police Station– Dipka, District-Korba, Chhattisgarh for offence punishable under Sections 447, 395, 398, 353 and 323 of the I.P.C.
2. It is submitted by learned counsel for the applicant that the applicant has has been falsely implicated in the present case. Out of 14 previous cases against the applicant, he has been acquitted in 10 cases and the remaining 4 cases were of petty offences which have also been disposed off, therefore, there is no previous conviction against this applicant. The trial against applicant is still pending and the remaining accused persons have been granted bail, therefore, prayed that application be allowed.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the applicant has a criminal history for having been prosecuted in 14 cases, therefore, prayed that application be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case on the date of incident, this applicant and other co-accused persons were committing theft of diesel from the vehicle parked in SECL, where, he was accosted by the person in-charge of the yard. It is also alleged that the applicant challenged the persons in-charge by brandishing sword and, thereafter, they fled away from the spot. During investigation, seizure of one motorcycle and one sword has been made from the possession of this applicant. Hence, this case.
6. Considering that the applicant is in jail since 14.01.2019 and the trial against the present applicant is still not concluded, therefore, looking to the period of detention in jail, the other co-accused has granted bail and that the previous cases against him have been disposed off, therefore, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

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