

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8866 of 2018**

Gajanand @ Gajja Nishad S/o Shyamlal Nishad Aged About 32 Years
 R/o Rajendra Nagar ,police Station Civil Line , Bilaspur ,district
 Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate ,bilaspur District
 Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Praveen Shrivastava, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.291/2018 registered in Police Station Civil Line, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 294, 506, 384 of IPC.
3. Argument heard.
4. Case of the prosecution, in brief is that on 06/04/2018 applicant had given threatening to kill to complainant Animesh Kumar and demanded money by telephone.
5. Counsel for the applicant submits that applicant is innocent and falsely implicate in this case.
6. Counsel for the State submits that five other criminal cases under IPC have been registered against the applicant.
7. Counsel for the applicant further submitted that applicant is in jail since 9 months. Three criminal cases registered against the applicant are in petty nature. No case was registered against the applicant from 2011 to 2016.
8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that five other criminal cases have been registered against the applicant, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is dismissed.

Sd/-

(Sharad Kumar Gupta)
 Judge