

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4072 of 2020**

- Santosh Sahu S/o Mahadev Sahu Aged About 28 Years R/o T.V. Tower Road Raigarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, P.S. Chakradharnagar, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri P. K. Saxena, Advocate
For Respondent/State	:	Shri Ravish Verma, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/08/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.16/2020 registered at Police Station Chakradharnagar, District Raigarh for the offence punishable under Section 379 & 414 of the IPC. The applicant was arrested on 03-06-2020.
2. Prosecution case is that the present applicant is involved in theft of as many as five motorcycles and all these motorcycles were recovered on the basis of memorandum statement of the applicant, from the bushes near the village Nampalli.
3. Learned counsel for the applicant submits that he has been involved only on the basis of suspicion. It is submitted that all the seizures and memorandum statement are false and no such disclosure statement is given by the present applicant. It is lastly submitted that in this case, investigation is complete, charge sheet has been filed and that the applicant is in jail since 03-06-2020, therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that as many as five motorcycles were

recovered at the instance of the applicant. It is submitted that the applicant is a habitual offender and against him, five more cases of similar nature have been registered and pending. He would submit that if the applicant is released on bail, he is likely to misuse the liberty and again involve in the similar offence.

5. Taking into consideration the submission of learned counsel for the parties, nature of allegation against the applicant and the punishment, which could be awarded to the applicant for alleged commission of offence and the fact that stolen articles have already been recovered and the applicant is in jail since 03-06-2020, I am inclined to enlarge the applicant on bail.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted. It is also made clear that if the applicant is again found involved in similar offence of theft, it would be open for the State to apply for cancellation of bail.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge