

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5099 of 2020**

- Shambhu Vaishnav S/o Lakhan Vaishnav aged about 20 years, R/o Indira Colony, Baloda Bazar, P.S. City Kotwali, Baloda Bazar, District-Baloda Bazar, Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, P.S.- Baloda Bazar, District-Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Om Prakash Sahu, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/09/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 349/2020 registered at Police Station Baloda Bazar, District-Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 379, 34 of IPC.
2. The prosecution story in brief, is that the complainant lodged a report that the unknown persons have committed theft 03 numbers of AC outdoor gas copper pipe total valuation of Rs. 6,000/- from District Library Baloda Bazar. On the basis of memorandum statement the present applicant has been arrested on 12.06.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that police has arrested to the present applicant only on the basis of memorandum statement and the police has not seized any said article from the applicant. He also submits that the applicant is in jail

since 12.06.2020, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very serious offence. The applicant is a habitual offender and there are five similar cases against the applicant, therefore, no case is made out to release the applicant on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**