

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 158 of 2021

- Shiva Netam S/o Shri Ashok Netam Aged About 26 Years R/o Ayodhya Nagar, Maththfodvapara, Changora Bhanta, Police Station D.D. Nagar, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station D.D. Nagar District Raipur,, District : Raipur, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri Syed I. Ali, Advocate on behalf of Shri Devarshi Thakur, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/02/2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 16.6.2020 in connection with Crime No.116/2020, registered at Police Station-D.D. Nagar, District Raipur(C.G.) for the offence punishable under Sections 457, 380 of the IPC. The earlier bail application being MCRC No.5790/2020 was dismissed as withdrawn vide order dated 23.11.2020 passed by this Court with liberty to file afresh as and when occasion arises.
2. Counsel for the applicant has filed this application showing it to be the first bail application and an affidavit to this effect has also executed. However, from the CIS report, it is found that it is the second bail application. Registry has also not pointed out the said default and listed the matter for admission and after being

admitted vide order dated 13.1.2021, it has been listed by the Registry for final hearing today.

3. On being asked about the same, the counsel for the applicant admitted his fault and tendered unconditional apology for the same and also assured that such mistake would not occur in future.
4. Registry is also directed to be careful while listing the matters before the Court and cross-check the information furnished by the counsel in the bail petitions from the CIS so that such mistakes do not occur in future.
5. Case of the prosecution is that the complainant- Deepak Wadekar lodged a report that in the of 11.3.2020, when he was sleeping in his house, somebody has stolen I-pad of Apple company worth Rs.15,000/- and cash of Rs.2,000/- from his bag. Matter was investigated and the applicant was taken into custody.
6. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case and nothing has been seized from the possession of the applicant. He submits that yet charge sheet has not been filed and no offence is made out against the applicant under the above mentioned Sections of the IPC, therefore, at this stage, he may be granted bail.
7. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail. He submits that there are various cases pending against the applicant.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, seizure of stolen I-pad from the possession of the applicant on his memorandum, particularly considering the fact that there are 17 offences registered against the applicant between 2010 to 2020

under the various Sections of the IPC i.e. Section 294, 506, 323 of the IPC, Section 34(2) of the Excise Act and Section 25 of the Arms Act, and the other material collected by the prosecution, I am not inclined to grant bail to the applicant.

10. Accordingly, the bail application is dismissed.

(Gautam Chourdiya)
Judge

sunita