

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 318 of 2021**

- Lal Singh Kanwar S/o Dhanraj Singh Kanwar, aged about 36 years, R/o Village Pali, Tahsil-Pali, District Korba Chhattisgarh

-----Applicant**VERSUS**

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

-----Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent- State	: Mr. Devesh Chand Verma, Deputy GA

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****11/06/2021**

1. Applicant has preferred this **First Bail Application** under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.214/2020 registered at Police Station Dipka, District Korba (C.G.) for the offence punishable under Sections 447, 379/34 of IPC.
2. Case of the prosecution is that on 19.11.2020 at about 4:30 pm, Nandlal Rai, Security in-charge of SECL, Gevra Project, lodged the report stating that, at about 3:30 am, he found some unknown persons stealing diesel from the vehicles parked in the mines' area, when patrolling team reached there, the persons who were stealing diesel ran away from the spot leaving the camper vehicle no. CG15 DP 2753, where 3 jerry cans of 35 liters filled with diesel and 14 empty jerry cans were seized. During the course of investigation, the present applicant was arrested on 15.12.2020 in the aforementioned crime.

3. Mr. Dharmesh Shrivastava, learned counsel for the applicant submits that the F.I.R. was lodged against the unknown persons, the police has arrested the present applicant only on the basis of suspicion, other crime number ie. crime no. 213/2018, 235/2018 and 253/2018 in which the applicant has been made an accused person after the arrest of the applicant in present crime. The investigation has already been completed, charge-sheet has also been filed and applicant is in jail since 19.11.2020. He submits that the offence is triable by the Magistrate and trial may take some time, hence, applicant may be enlarged on bail.
4. Mr. D.C. Verma, learned counsel representing the State, while opposing the submissions made by learned counsel for the applicant submits that during the course of investigation, applicant was arrested, in memorandum statement, he accepted his guilt. He submits that the applicant is a habitual offender, he was also involved in other three similar nature of crimes as mentioned above. He submits that the applicant is not entitled to be benefited under Section 439 of Cr.P.C.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation, material available in the case diary, the period of pre-trial detention ie. 19.11.2020 and further considering that the offence is triable by the Magistrate, without commenting anything on merits, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan