

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6357 of 2021**

Vinashak Dewar (wrongly mentioned as Dewan) @ Master, son of Gabbar Dewar, aged about 30 years, which is not mentioned in the order of learned court below, resident of S.U.P. Colony, Kachana, Block No. 19, House No. 16, Police Station Khamharidih, Raipur (C.G.)

---- Applicant/Accused**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station New Rajendra Nagar, Raipur, Civil and Revenue District Raipur (C.G.)

----Non-applicant

For Applicant	: Mr. B.L. Sahu, Advocate.
For Non-applicant	: Ms. Akshra Amit, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****12.11.2021**

(1) The applicant/accused has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 119/2021 registered at police Station New Rajendra Nagar, Raipur, Civil & Revenue District Raipur for commission of offence punishable under Sections 457 & 380 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that in the intervening night of 19/20-05-2021, unknown person were broken the lock of house of complainant namely Jasvinder Singh and stolen three LCD T.V., one Fridge, two gas cylinders, cash of Rs.17,000/-, gold & silver ornaments, sack of rice and container of Oil, etc., total amounting to Rs.1,12,000/-. On account of which, report was lodged by the complainant against unknown persons at Police Station Rajendra Nagar, Raipur under Sections 457 & 380 of the IPC. During investigation, the applicant & co-accused

persons were arrested and based on their memorandum, stolen articles have been seized from possession of the accused persons.

(3) Counsel for the applicant would submit that applicant has not involved in the crime in question and he has been falsely implicated in this case, as no stolen articles have been seized from the applicant and he has been arrested only on the basis of suspicion. He would next submit that the applicant is in detention since 5.7.2021; offences registered against the applicant are triable by Judicial Magistrate, First Class, therefore, the applicant is entitled to be released on bail.

(4) Per contra, counsel for the State while opposing the submissions made by counsel for the applicant would submit that one more case of same nature has been registered against the applicant, which shows that the applicant is habitual offender. She would next submit that as per case diary, investigation has been completed and charge sheet has been prepared. Hence, bail applicant filed by the applicant is liable to be dismissed.

(5) Considered the submissions made by counsel for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, detention period of the applicant and investigation has been completed, as stated by State Counsel and the offences registered against the applicant are triable by Judicial Magistrate, First Class, I am of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(N.K. Chandravanshi)
Judge

D/-

