

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6094 of 2021

Raju @ Chhotu Patel S/o Prabhu Dayal Patel Aged About 32 Years
R/o- Sarvoday Nagar, Pachpedi Naka, Police Station - New Rajendra
Nagar, Raipur, Tahsil And District - Raipur (Chhattisgarh), District :
Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station - New Rajendra Nagar, District - Raipur (Chhattisgarh), District
: Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Non-applicant	:	Ms. M. Asha, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

27/10/2021

1. Applicant has filed this application under Section 439 Cr.P.C. for grant of bail as he has been arrested in connection with Crime No. 97/2021 registered at Police Station- New Rajendra Nagar, District- Raipur (C.G.) for the offence punishable under Sections 379, 411, 34 IPC.
2. Case of the prosecution is that on 5.5.2021, a report was lodged in the concerned police station by Amarnath Patel stating that on 3.5.2021 when he was going to vegetable market, on the way, he stopped to answer nature's call, some unknown persons have taken his motorcycle bearing registration No.CG-04-HU/4493.

Based on report, Crime No.97 of 2021 was registered against unknown persons. At the time of patrolling duty, police found applicant and one of his associate Karan Vishwakarma who were taken into custody and brought to police station. During course of investigation, they have admitted theft of motorcycle and to have sold the same to co-accused Rampukar Sahni. Based on the memorandum statement, police have searched the premises of Rampukar and have seized parts of motorcycle. Based on the memorandum statement, the applicant was arrested in the aforementioned crime.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence as alleged against him. The alleged theft motorcycle was not seized from his possession. The applicant is in jail since 6.5.2021. The offences are triable by Magistrate which may take some time. Hence, the applicant may be enlarged on bail.
4. Learned counsel for the State, opposing the submissions made by learned counsel for the applicant, would submit that on his memorandum, parts of the motorcycle have been seized from the premises of co-accused Rampukar (dealing in business of scrap) which shows involvement of the applicant in commission of crime. He further submits that there are as may as 8-9 criminal antecedents against the applicant as is reflected from the case diary, out of which, one is of similar offence of the year 2012. Hence applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation, facts and circumstances of the case, period of pre-trial detention, without commenting anything on merits of the case, 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 local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant 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