

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7194 of 2021**

Surendra Bohat @ Purru, S/o Banshilal Bohat, aged about 36 years, R/o Township B-2/2021 Malajkhand, Police Station Malajkhand, District Balaghat (M.P.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through –Station House Officer, Police Station-Salhewara, District Rajnandgaon (C.G.)

----Non-applicant

For Applicant : Mr. Abhishek Sharma, Advocate.
For Non-applicant : Mr. Vaibhav K. Agrawal, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****26.11.2021**

(1) The applicant/accused has preferred this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 21/2021 registered at police Station Salhewara, District Rajnandgaon (C.G.) for commission of offence punishable under Section 379 of IPC.

(2) Case of the prosecution, in brief, is that in the night of 5.6.2021 Scorpio bearing registration CG AP 9021 was stolen from in front of house of the complainant by unknown persons and thereby committed the aforesaid offences. During course of investigation, number plate of the alleged vehicle was found in possession of the applicant.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent and he has been falsely implicated in the crime in question as he has not committed the alleged crime. He would next submit that alleged vehicle was seized in abandoned condition and the police have made false seizure of number plate from

applicant only to array him as accused in this case. He would also submit that applicant is languishing in jail since 02.09.2021; charge sheet has already been filed and conclusion of the trial will likely to take considerable time, hence, the applicant may be enlarged on regular bail.

(4) Per contra, learned counsel for the State while opposing the submissions made by counsel for the applicant would submit that there are four criminal antecedents against the applicant, which shows that applicant is habitual offender, hence, the applicant is not entitled to be released on bail.

(5) I have heard learned counsel appearing 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, particularly taking into consideration that fact that applicant is languishing in jail since 02.09.2021; charge-sheet has already been filed; totality of the facts of the case, 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 two sureties 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/-

