

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7384 of 2021

- Shekhar Patel, S/o Late Shri Khamuram Patel, Aged About 23 Years, R/o Village Gongal, Thana Patewa, Tehsil and District Mahasamund, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Patewa, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Sunil Sahu, Advocate
Mr. Anil Tripathi, PL

Hon'ble Justice Shri Parth Prateem Sahu
Order On Board

30/11/2021

1. The applicant has filed this bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.211/2021, registered at Police Station Patewa, District Mahasamund (C.G.) for the offence punishable under Sections 457 & 380/34 of IPC.
2. Case of prosecution is that one Shivcharan Patel lodged a report to the concerned police station on 20.08.2021 stating therein that in the night of 19.08.2021, some persons entered into his shop and committed theft of one LED TV and cash of Rs.5,000/-, based on which FIR was registered against unknown persons. Police investigated the crime and arrested present applicant and two other co-accused persons namely Krishna Kumar and Bodhan Lal Sahu.
3. Shri Sunil Sahu, learned counsel for the applicant, would submit that

applicant was arrested in one another crime, he has been falsely implicated in the present crime of similar nature. Seizure of only cash of Rs.200/- from applicant has been shown by Police and no other incriminating article has been seized from the possession of the applicant. The co-accused Bodhan Lal Sahu has already been granted regular bail by the Coordinate Bench of this Court in MCRC No.7421/2021 vide order dated 10.11.2021 and MCRC No.7414/2021 vide order dated 10.11.2021, hence the applicant may also be enlarged on regular bail.

4. Shri Anil Tripathi, learned State counsel, would oppose the submission of learned counsel for the applicant and would submit that applicant is habitual offender. There are as many as 3 other cases apart from these two cases registered against the applicant. From possession of applicant, theft scooty is also recovered. In the memorandum statement of the other co-accused persons also, applicant has been named to have involved in committing theft in the shop along with co-accused persons, hence the applicant is not entitled for benefit of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, the fact that there are as many as 3 other cases of similar nature registered against the applicant, I am not inclined to release the applicant at this stage.
7. Accordingly, the bail application is dismissed.

Sd/-
Parth Prateem Sahu
Judge