

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7328 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. Applicant has filed this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.210/2021, registered at Police Station Patewa, District Mahasamund (C.G.) for the offence punishable under Section 379/34 of IPC.
2. Case of prosecution is that one Sankalp Gajendra lodged a report on 19.08.2021 stating that his TVS scooty bearing No.CG-05-AK-1057, which was parked near the shop, is missing. Based on report, Police investigated crime and during the course of investigation arrested present applicant and another co-accused Bodhan Lal Sahu. Scooty was seized from possession of the present applicant, based upon which he was arrested on 23.08.2021.

3. Shri Sunil Sahu, learned counsel for the applicant, would submit that applicant has not committed any offence. He has been arrested based on suspicion and has been falsely implicated in the crime. The other co-accused Bodhan Lal Sahu has already been enlarged on 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 he 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 there is seizure of theft motor vehicle scooty from possession of applicant. There are as many as 5 criminal antecedents against the present applicant, as mentioned in the case diary, out of which 3 are of similar nature, 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 theft of complainant scooty has been seized from the possession of the applicant, there are three other crimes of similar nature against him and further that the ground for release of the co-accused Bodhan Lal Sahu is that there is no seizure of any incriminating article from his possession, I am not inclined to release the applicant on regular bail at this stage.
7. Accordingly, the bail application is dismissed.

Sd/-
Parth Prateem Sahu
Judge