

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7548 of 2021

Naeem Baksh Son Of Hussain Baksh Aged About 28 Years R/o.
Kelabadi, District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Rajnandgaon,
District Rajnandgaon (Chhattisgarh), District : Rajnandgaon,
Chhattisgarh

---- Respondent

For Applicant : Shri Praveen Dhurandhar, Advocate

For Non-applicant : Shri Sudhir Sahu, Panel Lawyer

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

Order On Board

16/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.218/2021 registered at Police Station -Khairagarh, District- Rajnandgaon (CG) for the offence punishable under Sections 457, 380, 34 of IPC.
2. Case of prosecution is that one Narayan Prasad Verma lodged report on 23.6.2021 stating therein that some unknown persons have committed theft of LG 32 inches LED TV. Based on the report, FIR was registered and during course of investigation,

police seized 32 inches LG LED TV from possession of Mohit and Sagar and they were arrested on 13.7.2021.

3. Learned counsel for the applicant would submit that as per the charge sheet, seizure of theft article/TV is seized from possession of co-accused Mohit and Sagar on 25.6.2021, but they were not arrested on the same day, but they were arrested on 13.7.2021 for the reason best known to the investigating agency. He also submits that there is no seizure of any theft article from possession of present applicant but he was also implicated in the crime only on the basis of suspicion as the similar nature of crime was registered against him in the year 2019. Applicant has been made accused in all the three crime registered in the same police station. He also submits that applicant has placed on record certified copies of judgment of acquittal of all six cases registered in the year 2019 in MCRC No.7527 of 2021 Applicant is in jail 13.7.2021, offence is triable by Magistrate, Hence he may be enlarged on bail.

4. Learned counsel for the State opposes the submissions of learned counsel for the applicant and would submit that based on the report, during course of investigation, TV was seized from possession of co-accused Mohit and Sagar. However, he do not dispute submission of learned counsel for applicant that though seizure of theft TV has been made on 25.6.2021 but on that day, co-accused from whose possession TV has been seized has not

been arrested and they have been arrested only on 13.7.2021.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, submission of learned counsel for the applicant that the applicant is acquitted in all other six cases registered against him in the year 2019 based on certified copy of judgments passed by Judicial Magistrate First Class, Durg, placed on record in MCRC No.7527 of 2021, there is no seizure of any theft article from possession of applicant, he is in jail since 13.7.2021, offence to be triable by Magistrate, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon his furnishing a bail bond in the sum of Rs.25,000/- with one 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) 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