

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8183 of 2021**

- Vinashak Dewar @ Master, son of Gabbar Dewar, aged about 19 years, resident of B.S.U.P. Colony Kachana, Block No.19, House No.16, Police Station Khamhardih, District Raipur (CG)

**---- Applicant
(In Jail)****Versus**

- State of Chhattisgarh, through Station House Officer, Police Station New Rajendra Nagar, Raipur Civil & Revenue District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. B.L. Sahu, Advocate
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For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer.
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Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****07/12/2021**

1. This is first application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as applicant is in custody since 8.6.2021 in connection with Crime No.122/2021 registered at Police Station New Rajendra Nagar, Raipur (CG) for commission of offence under Sections 379 & 380 of the Indian Penal Code.
2. Case of prosecution, in brief, is that on 9.6.2021 complainant lodged report stating that in the night intervening 19th & 20th May, 2021 he parked his goods vehicle bearing registration number CG04-JG-9477 near Durga Temple. On next morning, he did not find his vehicle at the place where he parked it. Based on report dated 9.6.2021, aforementioned crime is registered against unknown person. During the course of investigation, alleged vehicle is stated to be seized from Main Road, Khamardih, Raipur from possession of applicant, loaded with three LED televisions; fridge, motorcycle, and

cash of Rs.14,000/- was also seized. Applicant was arrested on 8.6.2021.

3. Mr. B.L. Sahu, learned counsel for applicant would submit that applicant has been falsely implicated in crime in question. During course of investigation, police recorded statements of Ajay and Rupesh Kumar; they have not stated that applicant was found sitting inside vehicle at the time of seizure. They have stated that some unknown person seeing police tried to flee from spot. Whereas in the case allegation is that applicant was found in possession of alleged theft vehicle. There is no any other criminal antecedent of applicant. Charge sheet has already been filed after completion of investigation. Applicant is in jail since 8.6.2021, hence he may be enlarged on regular bail.
4. Per contra, Mr. Sudhir Sahu, learned State Counsel opposes the submissions of learned counsel for applicant and submits that theft vehicle loaded with other electronic goods was recovered from possession of applicant, hence he is not entitled to be enlarged on regular bail. On putting specific question with regard to criminal antecedent of applicant, learned State Counsel after going through case diary submits that there is no mention of any criminal antecedent against applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegation; material available in case diary/charge sheet; the fact that there is no criminal antecedent against applicant as submitted by learned State Counsel, and applicant is in custody since 8.6.2021, without commenting anything on merits of case, I am inclined to allow this bail application.
7. Accordingly, bail application is allowed and it is directed that applicant shall be released on regular bail on his furnishing a

personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of trial Court concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-