

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8092 of 2021**

- Bhupendra Kumar Sahu @ Tunnu S/o Yado Ram Sahu Aged About 19 Years R/o Village Mohad, Basantpur Ward No. 49, Tahsil And District Rajnandgaon Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Outpost Chikhli, Police Station Kotwali, Rajnandgaon District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate
 For respondent/State : Shri Roshan Dubey, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 21.9.2021 in connection with Crime No.451/2021 registered at Police Station Kotwali, Rajnandgon Distt. Rajnandgaon (C.G.), for the offence punishable under Section 379 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that on 01.8.2021 at about 9.00 pm, present applicant committed theft of one two wheeler - Active bearing registration No.CG 04 HP 6521 of the complainant which was standing in front of the house of the complainant. On report, being lodged by the complainant, present crime was registered against unknown person. During the investigation, the applicant

was arrested and on basis of his memorandum, the police has seized the stolen Activa.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the present case, he is in jail since 21.9.2021, charge sheet has been filed, the applicant is the permanent resident of distt. Rajnandgaon, hence, there is no chance of absconding of the applicant and conclusion of trial will take long time, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant is an habitual offender of motor cycle theft and as per the case diary, he has already committed theft of two other motor cycles, which have been seized at the instance of the applicant, hence, his bail application should be rejected.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, also taking into consideration that charge sheet has already been filed and also detention period of the applicant and considering that the trial will take considerable time for its conclusion, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. The accused applicant is directed to be released on bail on his executing a personal bond for a 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.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE

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