

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8801 of 2021**

1. Sanjay Lahre S/o Shri Bhanupratap Lahre Aged About 22 Years R/o Village Pachari, Police Station Patewa, Tahsil Mahasamund, Civil And Revenue District And District Mahasamund Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Police Station Patewa , District Mahasamund Chhattisgarh.

----Respondents

For Applicant	:	Mr. Jameel Akhtar Lohani, Advocate.
For Respondent	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20.12.2021**

1. Present is a first bail application filed under Section 439 of CrPC seeking for grant of bail to the applicant who was arrested on 24.09.2021 in connection with Crime No. 159/2021 registered at, Police Station Patewa, Distt. Mahasamund, for the offence punishable under Sections 457,380,461/34 of Indian Penal Code.
2. The allegation as per the prosecution case is that the present applicant along with other accused persons are said to have committed theft in the shop of the complainant namely Bhikhuram Dadsena, from where the applicant along with co-accused persons are said to have stolen a Samsung fridge, feather removing machine, 16 cockrail and Rs. 200/- cash, on the intervening night of 25/26.06.2022. Learned counsel for the applicant submits that except for the recovery of the feather removing

machine, there is no allegation of the applicant to have been involved in the said commission of the act and moreover the applicant has already suffered custody for a period of around three months, therefore, the applicant be released on bail.

3. The State counsel on the other hand opposing the bail application submits that the present is not the only offence in which he is an offender. There are four other offences also levelled against the applicant. Two of the year 2021, one of the year 2020 and one of the year 2015.
4. On a query being put to the learned counsel for the applicant, he submits that other accused persons perhaps have not moved an application for bail till now.
5. Given the entire facts and circumstances of the case and also taking note of the period of custody undergone by the applicant and the nature of offence, this Court is of the opinion, a strong case for grant of bail has been made out. As regards, the previous offences in which the present applicant is said to have been implicated, this Court finds that three of the offences were under the excise act.
6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.
7. Accordingly, the present MCRC stands allowed.

Sd/-

P. Sam Koshy
Judge