

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7239 of 2015

Inderchand Soni, S/o. Shri Tansukhlal Soni, Aged about 41 years,
R/o.- Handipara, Azad Chowk, Raipur District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
City Kotwali, Raipur District Raipur (C.G.)

---- Respondent

For Applicant	:-	Ms. Fouzia Mirza, Advocate
For Respondent/ State	:-	Mr. O.P. Sahu, Govt. Advocate
For objector	:-	Mr. Avinash Chand Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 276/2014 registered at Police Station- City Kotwali, District Raipur (C.G.) for the offence punishable under Sections 420,406 of IPC.
2. Case of the prosecution, in brief, is that a complaint was lodged by Vinod Jain, in the month of August, 2013 alleging that the complainant had given 973 gm of gold to the applicant as he closed his jewellery shop and such gold was to be kept in the safe custody to the applicant. After some time, when the demand was made, the applicant refused to return the same. Therefore, the offence is committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. She further submits that the complainant and the applicant both were engaged

in the business of jewellery shop and the gold was given to the applicant just like purchase of the cost and such gold was already repaid to the complainant; therefore, the applicant may be enlarged on bail.

4. State counsel as well as the counsel for the objector opposes the prayer for grant of bail and submits that according to the seizure the gold was given as in the nature of borrowing and it was not returned to the complainant; therefore, the applicant should not be released on bail.
5. Perused the case diary and the documents. Perusal of the case diary and the receipt shows that the gold have been given as borrowing, therefore, taking the fact that the nature of transaction appears to commercial transactions and the fact that the applicant is in jail since 18.11.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Goutam Bhaduri)
Judge