

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3264 OF 2015**

Rahul Gupta S/o Shri Rakesh Gupta Aged about 27 years R/o Asati Ward No.1, near Uma Mistri Ki Taliya, Police Station: City Kotwali, District Damoh (Madhya Pradesh)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station (Aarakshi Kendra) Sirgitti, District Bilaspur (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Suyash Mohan Guru & Mr. Ashok Mishra, Advocates.
For-Non-applicant	:	Ms. Anusuiya Rajput, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 149/2014, registered at Police Station Sirgitti, Bilaspur (CG) District Bilaspur, Chhattisgarh, for the offence punishable under Sections 380, 109, 114, 384 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, present applicant obtained gold ornaments from the other co-accused Sanmeet Kaur under threat and extortion and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that co-accused Sanmeet Kaur gave her ornaments to the applicant and applicant has kept all the ornaments in safe

custody of IDBI Bank, Damoh (M.P.) and same were recovered by the investigation authorities from the said bank. He would further submit that it is not a case that applicant either stolen the said ornaments or any way extorted the co-accused person as same has been given by co-accused to the applicant for safe custody. He would further submit that co-accused Sanmeet Kaur was love affair with the applicant and since co-accused got married with someone else, therefore, he has been falsely implicated giving memorandum to the police. He would further submit that co-accused Sanmeet Kaur has already been released by the trial Court on 29/04/2015 and no useful purpose would be served by keeping him in jail. He would lastly submit that applicant is in jail since 28/04/2015 therefore, he may be released on regular bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that applicant obtained gold ornaments from the co-accused under threat and the said gold ornaments has been seized at the instance of memorandum statement given by the applicant from the custody of Bank.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; the manner, in which, applicant is alleged to have obtained Rs.6,00,000/- cash and gold ornaments total amounting to Rs.6,37,700/- from the co-accused Sanmeet Kaur by putting her under threat, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE