

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7094 of 2015

1. Narayan Baitharu @ Indra Soni, S/o. Shri Abhiram Baitharu (As per charge sheet and wrongly mentioned as Bamiram Soni in the rejection order), aged about 38 years, R/o. Village-Bireskela, Post Office & Police Station- Boden, District – Nuapada (Odisha)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station- Amlipadar, District – Gariyaband (C.G.)

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/12/2015

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.12/2014, registered at Police Station – Amlipadar, District – Gariyaband (C.G.) for the offence punishable under Section 458, 397/34 & 412 of I.P.C. and 25/27 of Arms Act.
2. Case of the prosecution, in brief, is that on 27.04.2014 dacoity was committed in the house of Pawan Awasthi and loot was committed of Rs.5.00 Lakhs. Subsequently, gold ornaments, which was looted was sold to the present applicant and the present applicant purchased the same.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that

dacoity was committed by the other accused persons and he is the person who deals with the business of gold and purchase the goods for valuable consideration of Rs.2.50 Lakhs. Therefore, considering the role played that he purchased the article bonafidely, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the case diary and the memorandum statement. Having regard to the fact that in the memorandum, it is stated that the applicant has purchased stolen goods it is not prima-facie clear that whether goods were of theft or loot as the memorandum shows it of theft, therefore, taking into the role played by the applicant as he was purchaser of the goods, considering the detention of the applicant and further taking into the fact that charge sheet in this case has been filed, without any observation on merits, at this stage, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on 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 the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge