

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5227 of 2015

Tulsi Soni, S/o late Sant Ram Soni, aged about 45 years, Caste Sonar, R/o S.D.M. Gali, Pathalgaon, Police Station Pathalgaon, District Jashpur (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Pathalgaon, District Jashpur (C.G.)
 ---- Non-applicant

For Applicant:	Mr. Udhaw Sharma, Advocate.
For Non-applicant:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.112/2015, registered at Police Station Pathalgaon, Distt. Jashpur, for the offence punishable under Sections 392 and 411 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 5-6-2015 at 8 p.m., co-accused Ravi Nat and Mantu Nat robbed gold chain from the neck of Pinki Agrawal and the applicant is alleged to have received the said stolen / robbed gold chain.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, on bona fide ground, he has purchased such an article and at the most, offence under Section 411 of the IPC would be made out against the applicant for which the punishment prescribed is 3 years. The applicant is in jail since 14-8-2015, charges have also been framed in which there is no allegation of robbery against the present applicant and he is only said to have purchased

the stolen property.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, allegation of robbery is against Ravi Nat and Mantu Nat, pretrial detention of the applicant, severity of punishment prescribed for offence under Section 411 of the IPC and the fact that charge-sheet has been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge