

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5386 of 2015

Dashrath Bhai, S/o Hemabhai Patel, aged about 42 years, R/o Mahidharpura,
Dhobiseri, Distt. Surat (Gujarat)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Ganj,
Raipur, Distt. Raipur (C.G.)

---- Non-applicant

For Applicant:	Mrs. Fouzia Mirza, Advocate.
For Non-applicant:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/10/2015

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.28/2015, registered at Police Station Ganj, Raipur, Distt. Raipur, for the offence punishable under Sections 41 (1+4) of the CrPC; 420, 379 and 414 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that 9 co-accused persons stolen Rs.9,50,000/- from the vehicles standing outside the premises of bank and other financial institutions and sent it through the present applicant to Ahmedabad and thereby committed the aforesaid offences.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, in fact the applicant is running a courier company and it appears that from the said courier company, an amount of Rs.9,50,000/- was sent in a packed packet by Ajay Machrekar, co-accused, to his father-in-law Sur Singh, and thereafter, Ajay Machrekar reached there and distributed the said amount to co-accused Chandrakant Parmar, Vijay, Dashrath Banjare, Prateek & Laxman. She further submits that

the present applicant is nowhere involved in the crime, he has neither received any amount nor he is party to the litigation, the only allegation against him is offence punishable under Section 414 of the IPC – assisting in concealment of stolen property which is not at all attracted by any stretch of imagination and the applicant is detained in jail for such an offence. She also submits that on a call made by the police, the applicant came personally in his own vehicle to the police station and instead of treating him fairly by making interrogation, the police has immediately arrested him on 8-9-2015 and since then he is in jail.

4. On the other hand, learned State counsel vehemently opposes the application and submits that the applicant is a party in transferring the said amount, therefore, offence under Section 414 of the IPC is made out against him.
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, considering the fact that stolen money was sent by Ajay Machrekar to his father-in-law and the said amount was said to have been distributed amongst co-accused Chandrakant Parmar, Vijay, Dashrath Banjare, Prateek & Laxman total amounting to Rs.9,50,000/- and that no amount is said to have been given to the present applicant, pretrial detention of the applicant and the fact that charge-sheet is yet to be 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