

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 118 of 2016

1. Mohan Lal Soni, aged about 38 years (wrongly mention as 35 years), S/o. Kamta Prasad Soni, By Occupation – Prakriti Stationary Helper, R/o. Ward No.9, Pendra Daffai, Thana and Tahsil Manendragarh, District – Koriya (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : Police Station – Tarbahar, District-Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/03/2016

1. Apprehending arrest in connection with Crime No.343/2015 registered at Police Station- Tarbahar, District – Bilaspur (C.G.), for offence punishable under Section 457, 380 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a theft was committed in the house of one Dinesh Agrawal on 14.11.2015 for which a report was made that certain gold ornaments were stolen which was worth Rs.2,50,000/-. Subsequently one Raju Singh was arrested and on his memorandum, it was revealed that certain ornaments were sold to this applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge-sheet in this case has been filed and no evidence is available

against the applicant and only on the statement of the co-accused, he has been inculpated in the crime. Therefore, the counsel submits that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Charge-sheet in this case has been filed. Considering the fact in the memorandum statement of the co-accused, it is alleged that the applicant has purchased the stolen articles. Taking into the documents available, it is not a case, where the custodial interrogation of the applicant may not be required and the benefit of Section 438 can be extended to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge