

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2749 of 2016**

Krishna Chandra @ Gudda Soni, aged about 40 years, Son of Govind Prasad Soni, Resident of Mangal Nagar, Police Station Civil Line, Katni, Tahsil and District Katni, Madhya Pradesh.

---- Applicant**versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Sarkanda, Bilaspur, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant : Ms. Seema Singh, Advocate. .

For Non-Applicant : Shri Gary Mukhopadhyay, Deputy Government Advocate.

Hon'ble Shri P. Sam Koshy, J.**Order on Board****09/06/2016**

1. This is the first application filed under Section 439 of the CrPC for grant of bail to the Applicant who is in jail since 22.02.2016 in connection with Crime No. 651 of 2015, registered at Police Station Sarkanda, District Bilaspur, for the offences punishable under Sections 457, 380 and 411/34 of the Indian Penal code.
2. Prosecution case, in nutshell, is that the present applicant has been purchasing gold and silver items from other co-accused persons who used to commit theft of gold and silver ornaments from different places and used to sell it to various persons including the applicant knowing fully well that they are stolen articles.
3. Learned counsel for the Applicant submits that the present Applicant has been implicated only on the basis of memorandum statement of other co-accused persons. Bare perusal of the memorandum statements would show that only the co-accused Ganesh @ Ramesh Soni has referred the present Applicant to be involved in purchasing of silver and gold ornaments. There is no other allegation

against the present applicant. There are five cases registered against the present applicant on the basis of same documents and in all other four cases, he has already been granted bail and one such bail order has been issued by this Court in M.Cr.C. No. 2469 of 2016 on 31.05.2016. Thus, he may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application. However, the above facts are not disputed by the learned State counsel on verification of the case diary.

5. Having heard learned counsel for the parties, taking into consideration the totality of the facts and circumstances of this case and particularly the fact that the Applicant is in jail since 22.02.2016 and has been made accused in this case only on the basis of memorandum statement of the co-accused this Court is of the considered opinion that the present is a fit case where the Applicant may be enlarged on bail.

6. Accordingly, the bail application is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge