

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7465 of 2015

Amit Kumar Gupta, S/o Vinod Gupta, Aged About 26 Years, R/o. Village Dahejwar, P.S. - Balrampur, Revenue Distt. - Balrampur, Civil Distt. - Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - the Police Station Ambikapur, Distt. - Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. A.N.Pandey, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.440/2015 registered at Police Station- Ambikapur, District Surguja (C.G.) for the offence punishable under Section 379, 413 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a theft of the motorcycle was committed on 31.08.2014 and the complaint was made by Dhiraj Jha. Thereafter, the arrest of Rahul Kumar Nag was made on 16.04.2015 and on his memorandum, it is disclosed that the property was further sold to the applicant Amit Kumar Gupta and the applicant in connivance with Rahul Kumar Nag the other co-accused had sold it to Jalendar Singh and on the memorandum of the present applicant the motorcycle was recovered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, as the purchaser of the motorcycle has not stated that the purchase was made from Rahul Kumar Nag and therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that thirteen motorcycles were stolen and it was found that after purchase of vehicle the same was sold. It is further submitted that initially one vehicle was purchased by the applicant for a valuable amount, however, the subsequent motorcycle was purchased for a meager sum of Rs.3000/- and sold it at higher value of Rs.20,000/- to 30,000/- which shows that the applicant was involved in the crime.
5. Perused the documents and the case diary. According to the memorandum of Rahul Kumar Nag and subsequent memorandum of this applicant, number of motorcycles have been seized, therefore, considering the number of motorcycles so seized on the basis of memorandum, it cannot be stated that the applicant was a bonafide purchaser of motorcycle. In one case it can be expected that he was a bonafide purchaser but if it repeated in cases, it could not be presumed that he was bonafide purchaser. Considering, the role played by this applicant and the evidence available as number of motorcycles were stolen, prima facie, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge