

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3386 of 2016

- Ganesh Soni @ Ramesh @ Rakendra S/o Kishan Lal Soni
Aged about 28 Years R/o Jagannath Chowk Gautam Mohalla,
Jalfa Ward P.S. Kotwali Katni, Revenue & Civil District Katni,
Madhya Pradesh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Sarkanda,
District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. P.K. Tulsyan, Advocate
For the Respondent	: Mr. Neeraj Kumar Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 487 of 2015 registered at P.S. Sarkanda, Distt. Bilaspur (C.G) for the offence punishable under Sections 457, 380, 411/34 of IPC.
2. As per the prosecution case, the applicant has purchased various stolen gold and silver ornaments knowing fully well that they were stolen articles and thereafter sold it to one Kishan Chand @ Gudda Soni and theft was committed by Srijan Sharma and Vipin Patel in various parts of the city and the ornaments were being sold to this applicant.
3. Learned counsel for the applicant would submit that the applicant is a goldsmith and he has been falsely implicated in this case as he was not in know of the fact the the goods/ articles purchased by him were stolen property and on good faith, the goods/articles were purchased and subsequently sold in the market to different persons. He also submits that

similarly placed co-accused Krishnachand @ Gudda has been granted bail by the coordinate Bench of this Court in M.Cr.C. No.2469 of 2016 on 31.05.2016. It is further submitted that charge sheet in this case has been filed and applicant is in jail since 03.03.2016, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, on verification, he do not dispute that co-accused Krishnachand has been granted bail
5. Taking into consideration the totality of the circumstances, the degree of allegations levelled against the applicant and the fact that other co-accused Krishnachand @ Gudda has been enlarged on bail by the Coordinate Bench of this Court, as also the fact that the investigation is complete, charge sheet has already been filed and looking to the period of detention as the applicant is stated to be in jail since 03.03.2016, I am inclined to release him on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**