

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7450 of 2015

1. Kamal Agrawal, S/o. Mahendra Agrawal, aged about 32 years, R/o. Sitamani Chowk, Korba, District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Kotwali, Korba, Civil and Revenue District – Korba (C.G.)

---- Respondent

For Applicant : Mr. V.R. Tiwari, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.405/2014, registered at Police Station – Kotwali, District – Korba (C.G.) for the offence punishable under Section 454, 380, 411/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a theft was committed in the house of one Gopal Agrawal and the ornaments and cash was theft. Subsequently, one Rakesh Yadav was arrested and as per his memorandum, out of the ornaments, few of the ornaments were sold to this applicant. Subsequently, the applicant was arrested and on his memorandum, bangles were recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that as per the memorandum of Rakesh, the ornaments were said to be sold to this applicant and the amount of Rs.1,30,000/- was said to have

been kept by Rakesh Yadav, however, while recovery was made, the amount of Rs.1,30,000/- was recovered from this applicant, though this applicant has not stated anything in the memorandum. He would further submit that memorandum witnesses have already been examined before the Court and the applicant is in jail since 24.08.2014, therefore, no further evidence is required, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the fact the allegation made against this applicant that he is the purchaser of the stolen goods as per memorandum of the Rakesh Yadav and primary allegation is against the Rakesh Yadav. Considering the fact that charge-sheet has been filed and the trial is being proceed and considering the detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge