

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6921 of 2016

- Sandesh Rokde S/o Annaji Rokde Aged About 45 Years R/o Chakki Khapa, Bhosla, Nearby Military School, Police Station Koradih, Nagpur, Maharashtra. (As Per Charge Sheet).

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station City Kotwali, District Dhamtari, Chhattisgarh.

- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-11-2016

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 on 23-7-2016 in connection with Crime No. 90 of 2016, registered at Police Station City Kotwali, District Dhamtari (CG) for the offence punishable under Section 457, 380 and 411 of the IPC..
2. As per prosecution case, theft took place in the house of complainant Sunil Kumar Sahu wherein gold ornaments, silver ornaments and other articles worth Rs.25,000/- were stolen. Against some of the co-accused persons Crime No.183 of 2016 for offence under Sections 395 and 411 of IPC is registered where some robbery was committed in the house of Dr. Saroj Kumar Shah. On 4-6-2016 other co-accused persons were apprehended. In memorandum statement, it reveals that the robbed articles and stolen goods were passed to the present applicant.
3. Learned counsel appearing for the applicant would submit that the applicant is a Gold Smith and one Prakash Solanki who regularly visited the present

applicant had sold the goods and thereby the goods were passed over to the present applicant. It is submitted that the goods were acquired for consideration and the applicant has not committed any offence. He would further submit that the present applicant being a Gold smith had purchased the goods and is a bona fide purchaser. It is further submitted that the charge-sheet has been filed, the applicant is in jail since 23-7-2016 and no further investigation is necessary, therefore, he may be enlarged on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of Prakash Solanki, other co-accused persons and the present applicant. *Prima facie* it appears that the present applicant being a Goldsmith has purchased the goods for consideration.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against this applicant and considering the statement of Prakash Solanki and also the fact that charge-sheet has been filed, the applicant is in jail since 23-7-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju