

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7838 of 2016

- Vijay Kumar Soni S/o Late Ramprasad Aged About 60 Years R/o Ward No. 07, Manendragarh, Police Station And Tahsil- Manendragarh, District- Korea, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through: Police Station: Manendragarh, District- Korea, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate

For Respondent/State : Mr. Wasim Miya, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-12-2016

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 13-6-2016 in connection with Crime No. 159 of 2016, registered at Police Station Manendragarh, District Korea (CG) for the offence punishable under Sections 457, 380, 411, 413, 414/34 of the IPC.
2. Case of the prosecution, in brief, is that in the intervening night of 7/8-5-2016 theft took place in the house of complainant Rajesh Mishra whereby gold ornaments, silver ornaments and cash Rs.42,000/- total worth Rs.4,00,000/- were stolen. Subsequently other co-accused persons were arrested and on their memorandum statements, it was revealed that present applicant purchased the stolen ornaments i.e., silver ornaments and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that there is no evidence against the applicant and silver bar was seized which has

not been identified and no past antecedents have been reported against the applicant. He would further submit that the applicant is a bona fide purchaser, charge-sheet has been filed in this case, he is in jail since 13-6-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, on enquiry, it is submitted by the State counsel that no other cases are registered against the present applicant.
5. I have heard learned counsel for the parties, perused the case diary and other documents which would show that seizure of silver bar was made from the applicant.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant, considering the fact that the applicant has no past antecedents and recovery of silver bar which was seized and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 13-6-2016, this court is inclined to release the applicant on bail.
7. 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