

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8131 of 2016

- Sandesh Rokade S/o Annaji Rokade, Aged About 45 Years Caste Sonar, R/o Near Chakki Kapa Bhosala Military School, Police Station Koradih, Nagpur, Maharastra.

---- **Petitioner**

Versus

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

---- **Respondent**

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 23-07-2016 in connection with Crime No. 183 of 2016 registered at Police Station City Kotwali, Dhamtari, District Dhamtari (CG) for the offence punishable under Sections 395 & 412 of the IPC.
2. Case of the prosecution, in brief, is that dacoity took place in the house of one Dr. Saroj Kumar Saha whereby certain ornaments were taken away. Subsequently, few of the other co-accused persons were arrested and on the memorandum statement of Prakash Solanki and present applicant, it was revealed that certain ornaments were given to him which were seized from the possession of the present applicant and were identified and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant is a gold-smith and said ornaments were given to him for sale and he has not committed any offence. He would further submit that charge-sheet has been filed in this case, 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 application
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of other co-accused Prakash Solanki and present applicant which would show that the ornaments were given to the present applicant as he is a goldsmith.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the present applicant and further considering the statement of other co-accused 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 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 for a 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