

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6689 of 2017**

Manoj Saha S/o Shri Motilal Saha, aged about 32 years, R/o Sankra,
Navin Chouck, Dharsiva, P. S. Dharsiva, Dist. Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Dharsiva, Dist. Raipur,
Chhattisgarh.

---- Respondent

For Applicant	:	Shri Devershi Thakur, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/12/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 466/2017 registered at Police Station Dharsiva, District Raipur (CG) for the offence punishable under Sections 381 & 411 of IPC. The applicant is in jail since 13.10.2017.

2. The case against the applicant is that he in connivance with other co-accused persons is said to have purchased the stolen articles worth Rs.3,40,000/- belonging to one Kushal Waswani for an amount of Rs.2,00,000/- which the applicant paid by cash to the co-accused persons who had distributed the amount among themselves.

3. Counsel for the applicant submits that the applicant is in jail since 13.10.2017 and since the matter is triable by a Judicial Magistrate First Class, the applicant deserves to be released on bail. He submits that the entire transaction which took place between the parties was a bona fide

transaction and that the applicant was ignorant of the fact that the materials purchased by him were stolen property or not. He further submits that it was only in the course of regular business transaction between the parties, the said deal was entered into and for this reason also the applicant may be released on bail.

4. State counsel, however, opposing the bail application refers to the statement recorded during the course of investigation and submits that there are prima facie sufficient materials to show that the applicant had purchased the property knowing fully well that the same was stolen property.

5. Considering the entire facts and circumstances of the case particularly the recovery of the stolen articles from the premises of the present applicant and also considering the manner in which the crime was committed, this Court is not inclined to grant bail to the applicant at this juncture.

6. Accordingly, the application filed under Section 439 of Cr.P.C. for grant of bail stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE