

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 89 of 2017**

- Santosh Jaiswal S/o Shri Mahettar Ram, Aged About 35 Years
R/o Village Masniya Kala, Police Station Sakti, Tahsil Sakti,
District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Kartala, District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri Vimlesh Bajpai, Advocate
For Respondent/State	: Shri Neeraj Jain, Dy.GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.4.2017**

1. Heard the matter finally.
2. This is an application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with crime No.51/2016 registered at Police Station Kartala, District Korba (CG) for the offence punishable under Sections 457, 380 of the IPC.
3. Learned counsel for the applicant submits that against the present applicant and other co-accused the matter is under investigation. Charge against the applicant is that he has

purchased the stolen property rice, sugar and gram from a near relative of one co accused, Fanindra Kumar Jaiswal for Rs.32,000/-. He was not aware of the fact that the said sugar, rice and gram is a stolen property and had bonafidely purchased the same. At the most he can be charged for the offence punishable under Section 411 IPC which is not punishable for life and death, therefore, the applicant may be granted anticipatory bail in the matter.

4. Per contra, learned counsel for the applicant opposed the arguments advanced on behalf of the applicant and would submit that there is no material to demonstrate that the applicant had bonafidely purchased the said rice, sugar and gram from his near relative and other co accused. There is no account shown by the applicant that he has purchased the said as a bonafide purchaser. The investigation is under progress, hence, bail application may be dismissed.

5. I have heard the counsel appearing for the parties and perused the material.

6. Prima facie the matter is under investigation. There is no material to demonstrate that the applicant is a bonafide purchaser of the said rice, sugar and gram belongs to sale through public distribution system.

7. On due consideration, I am not inclined to grant bail to the present applicant. Consequently, the bail application filed under Section 438 of the Cr.P.C. is dismissed.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**