

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4265 of 2017

- Rishabh Jain (Barmath) S/o Shri Dipak Jain (Barmath), Aged About 23 Years, R/o Nayapara, Raipur, Chattisgarh,(wrongly mentioned as Bargath in impugned Order).

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri T.K.Jha, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

19-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.145/2017 on 07-06-2017 by P.S. Ratanpur, District Bilaspur, Chhattisgarh for the offence under Section 379, 411 read with Section 34 of the IPC and Section 136, 137 of the Electricity Act, 2003 (in short 'the Electricity Act'). After investigation police had filed the charge sheet, which is pending before the Special Judge under the Electricity Act/Additional Sessions Judge Bilaspur, C.G. as Special Criminal Case (Electricity) No.123/2017. Police had filed the charge sheet against total three accused persons and also shown 7 accused persons as absconding and after their arrest supplementary charge sheet may be filed under Section 173(8) of the Cr.P.C. Learned counsel for the applicant would further submit that on 22-05-2017, Assistant Manager of the complainant company gave written report to the concerned police; on the basis of said written report the police had registered the crime number and during investigation on 07-06-2017 one Fitruddin gave disclosure statement under Section 27 of the Evidence Act, from the said co-accused only Rs.10,000/- has been seized. Thereafter, in

continuance police had recorded disclosure statement of Pushpraj @ Babalu, on the basis of said memorandum statement no any cash amount has been seized from the said co-accused. Thereafter, from the applicant aluminum wire worth Rs.6,51,341/- has been seized. For the said seizure by the police father of the applicant gave written application to the S.P. that he had not purchased any scrap and his son has not committed any offence. Learned counsel for the applicant would further submit that in the present matter seized wire were not identified by the complainant. With this, there is no any material so as to connect the seized wire as the same wire which was stolen from the complainant's company. The applicant is not owner, proprietor or partner of Manish Industries. The Manish Industries used to purchase aluminum and prepare utensils. Hence, as the applicant is in no way directly connected with the offence, he may be enlarged on bail. He is in custody since long.

3. Per contra, learned counsel for the non-applicant/State would submit that on the basis of disclosure statement of Pushpraj @ Babalu the said aluminum wire has been seized from the applicant as per seizure memo, hence the instant MCRC may be dismissed.

4. Perused the entire material.

5. On perusal of the entire material, it appears that aluminum wire has been seized from the applicant which was with the applicant, there is no any connected evidence to demonstrate that from where the said aluminum wire has been purchased. Looking to the entire facts surfaced and the evidence collected, prima facie it appears that the applicant received the property which was stolen knowingly. On due consideration, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge