

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3575 of 2017

- Suresh Aarle S/o Shivmurti, Aged About 32 Years, R/o Bakarganj, Kalamanch, Patna, Police Station Kadamkunwa, District Patna (Bihar)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ambikapur, Surguja, District Surguja, Chhattisgarh

---- Non-applicant

And

MCRC No. 4356 Of 2017

- Anand Pawar S/o Subrao Pawar, Aged About 38 Years, R/o Bakarganj, Kalamanch, Patna, Police Station Kadamkuan, District Patna (Bihar)

---- Applicant

Vs

- State Of Chhattisgarh Through Police Station Ambikapur, Surguja, District Surguja (Chhattisgarh).

---- Non-applicant

And

MCRC No. 4566 Of 2017

- Dharmraj Soni S/o Shri Butai Lal, Aged About 30 Years, Occupation Sonari, Resident Of Balaji Jewelars, Hanuman Gali, Govindpur, Police Station Fatuha, House Residence Mosimpur Kurtha, Police Station Fatuha, District Patna, Bihar.

---- Applicant

Vs

- State Of Chhattisgarh Through Police Station Kotwali, Ambikapur, District Surguja, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Manoj Paranjpe, Advocate (in MCRC No.3575/2017 and MCRC No.4356/2017),
Shri Apoorva Tripathi, Advocate (in MCRC No.4566/2017).

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-11-2017

1. As all the three matters arise out of the same crime number, i.e., Crime Number No.840/2016 registered at Police Station Ambikapur, Surguja, District

Surguja, C.G. for the offence under Section 457, 380, 411/34 of the IPC, they are being decided by this common order.

2. Heard on these applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants.

3. It is submitted by learned counsel for applicants that they have been falsely implicated in this case. On behalf of applicant Suresh Aarle it is submitted that applicant Suresh Aarle is a certified purity tester of gold ornaments and his shop is registered under the Bihar Shops and Establishment Act in Patna. One Mallikarjun had brought gold biscuit to applicant Suresh Arle for the purpose of testing the purity of said gold biscuit, it was at that time the police raided and seized the said biscuit.

4. On behalf of applicant Anand Pawar it is submitted that the applicant is in business of gold ornaments and prepares solid blocks of the same. He had in his possession the solid block which was seized by the police which is not connected with the incident of theft.

5. On behalf of applicant Dharmraj Soni it is submitted that he is a jeweler and deals with gold and silver ornaments. The police seized one gold block from his possession. The applicant is in a position to account for the possession of the gold block from him which was not considered by the Investigating Officer.

6. It is further submitted that none of the articles recovered from all the applicants are identifiable and neither has been identified as one of the stolen property. At the most, the applicants can be held responsible for receiving stolen property under Section 411 of the IPC. They are ready and willing to abide by all the conditions imposed on grant of bail. In the meanwhile, the investigation has been completed and charge sheet has been filed. Therefore, it is prayed that all the applicants may be enlarged on bail. It is also submitted

that applicant Anand Pawar and Dharmraj soni both have been implicated only on the basis of memorandum statement.

7. Learned counsel for the State/non-applicant opposes the applications and submission made in this respect. It is submitted that there is clear statement in memorandum of main accused persons as well as memorandum of the applicants that they are purchaser of the stolen property. Hence, looking to the nature of offence and the quantity of the gold seized from these applicants, they are not entitled for grant of bail.

8. Heard learned counsel for the parties and perused the case diary.

9. As per the case diary, between 09-12-2016 and 12-12-2016 during the bank holidays, the Gramin Bank situated at Ambikapur was broke open by some miscreants and 12 lockers were opened with the help of gas cutter and the ornaments kept inside the locker were stolen by said persons. After lodging of the FIR, investigation has been done and charge sheet has been filed. The applicants have been booked for the offence under Section 411 of the IPC.

10. Considering on the submissions made and contents of the case diary, looking to the material of the prosecution proposed to be produced before the trial Court and that the applicants Suresh Aarle and Anand Pawar are in jail since 17-02-2017 and applicant Dharmraj Soni is in jail since 15-02-2017, this Court is of the considered view that keeping them in detention for the whole period of trial is not going to serve any purpose. Hence, the applicants should be enlarged on bail.

11. Consequently, the applications (MCRC No.3575/2017, MCRC No. 4356/2017 and MCRC No.4566/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the

concerned Court, for their appearance as and when directed.

12. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil