

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1261 of 2016**

- Prakash Vishwas S/o Abhimanyu Vishwas Aged About 47 Years
R/o Village- Kutela, Police Station- Aarang, District- Raipur,
Chhattisgarh

---- **Petitioner****Versus**

- State of Chhattisgarh Through: S.H.O. Police Station & Tahsil-
Palari, District- Balodabazar-Bhatapara, Chhattisgarh

---- **Respondent**

For Applicant : Mr. A.S. Rajput, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

]Hon'ble Shri Justice Goutam Bhaduri**Order on Board****09-03-2017**

1. Apprehending arrest in connection with Crime No. 372 of 2016 registered at Police Station Palari, District Balodabazar – Bhatapara (CG) for offence punishable under Sections 381/34, 411 and 414 of the IPC, the applicant has preferred the bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail.
2. As per case of the prosecution, on 12-9-2016 a report was made by the complainant Kamal Narayan that prior to 1 1/2 years, he had deployed certain labourers for reconstruction of his house at Telasi and during such reconstruction while excavating reconstruction, two pots filled with silver coins were found under the site of reconstruction which were taken by Ranbir, Kanhaiya, Ganesh, Pawan Patel and Mata Devi. It is further alleged that the said silver coins were further channelized through five different persons and 200 silver coins were pledged with M.G. Jewellers which was done

by the present applicant and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that there is no evidence against the present applicant, even first information report and investigation do not point out that the applicant is involved in the crime. He would further submit that the applicant has been falsely implicated in this case and apprehending arrest, therefore, considering all the facts and circumstances, the applicant may be extended the benefit of Section 438 of the Cr.P.C..
4. Learned State counsel oppose the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the report as also register of pledge of the silver coins of MG Jewellers, Mahasamund
7. Taking into consideration all the facts and circumstances of the case and further considering the nature of allegations which would show that few of the silver coins were taken back after payment to the MG Jewellers, Mahasamund, I am of the considered opinion, prima facie, that it is not a fit case where benefit of Section 438 can be extended to the applicant.
8. Accordingly, the bail application filed under Section 438 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

