

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5680 of 2018**

Virendra Prasad Swrnakar S/o Late Ram Prasad Swarnakar
Aged About 45 Years R/o- Village Manpur, Gandhinagar, P.S.-
Mohafbil, District- Gaya (Bihar), District : Gaya (Bihar).

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station Incharge P.S.-
Gandhinagar, District- Surguja, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Bhupendra Singh, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.07/2017 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Section 395, 397, 412, 120(B) of IPC and 25,27 of Arms Act.
3. Case of the prosecution, in brief is that on 04/01/2017 in Manappuram Gold Loan Branch, Bramha Road, Ambikapur a dacoity was happened. 12 Kg. Gold worth Rs.2,50,00, 000/- and cash of Rs. 1,54,000/- have been looted by the dacoit. Applicant and other persons knowingly that gold is subject matter of dacoity purchased 1 Kg. 450 grams gold from the accused Nityanand @ Sunil Pandey, on the price of Rs. 30 Lakhs. He melt the said gold and converted it in ornaments. On the memorandum of the applicant 65 grams ornaments have been seized from the applicant.

4. Counsel for the applicant argued that there is no such evident that applicant had allegedly purchased gold knowingly that it was the stolen property, the alleged ornaments seized from him are in less quantity which is mentioned in memorandum, there is no identification and applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. *Prima facie* it does not appear that applicant is *bonafide* purchaser. Allegedly gold was melted, thus *prima facie* identification has no value.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge