

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1194 of 2019**

Sanjay Prasad Soni, S/o Harihar Prasad Soni, aged about 36 years, R/o Bypass Road Redma, Medni Nagar, Police Station Medni Nagar, District Palamu (Jharkhand). **---- Applicant**

Versus

State of Chhattisgarh, through Incharge in Police Station Ambikapur, Surguja, District Surguja (CG). **---- Non-applicant**

For Applicant	: Mr. Manoj Paranjpe, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

11.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.07/2017 registered in Police Station Ambikapur, Surguja, District Surguja for the offence punishable under Sections 395, 397, 412, 120-B, 201 of Indian Penal Code and Sections 25 & 27 of Arms Act.
3. Case of the prosecution, in brief, is that on 04.01.2017 in the Manappuram Gold Loan Branch, Brahmaroad, Ambikapur, a dacoity was took place and 12 kg gold worth Rs.2,50,00,000/- and cash of Rs.1,54,300/- have been looted by the dacoits. It is the allegation against the applicant that he knowingly that the gold is subject matter of the dacoity, purchased 27 gms and 500 gms golden ornaments from co-accused Harendra Singh and Guru @ Ajay respectively. On the memorandum of the applicant, 70 gms golden ornaments were seized from him.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that there is no such evidence that the applicant had allegedly purchased golden ornaments knowingly that it was the stolen property. There is no identification of seized articles. The applicant is a goldsmith. 70 gms gold is mentioned in the memorandum, but seizure is regarding golden ornaments in the seizure dated 04.01.2018 shows that it is antedated. He drew my attention on Annexure A/2, Annexure A/3 & Annexure A/4, which are the part of the bail application.
5. On the other hand, counsel for the State opposed the bail application. However, he submits that no criminal antecedent of the applicant is reported in the police case diary.
6. Prima facie it does not appear that the applicant is bonafide purchaser, allegedly the gold was melted, prima facie identification has no value.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, the huge quantity of gold looted in the dacoity, and also the impact of granting bail to the applicant on society, this Court is not inclined to grant bail to the applicant.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE