

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2804 of 2019**

Virendra Prasad Swarnakar S/o Late Ram Prasad Swarnakar Aged About 45 Years R/o Village Manpur, Gandhinagar, Police Station Mohafbil District Gaya Bihar, District : Gaya, Bihar .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/05/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 30/08/2018 in MCRC No. 5680/2018 considering the *prima facie* case against him.
2. The applicant has been arrested in connection with Crime No.07/2017 registered in Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Section 395, 397, 412, 120B, 201 of IPC and Section 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 submitted that charge punishable under Section 414 of IPC has been framed against the applicant, thus he may be released on bail.
5. Counsel for the State submits that there is no antecedents of the applicant is reported in police case diary.

6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no change of circumstances which may entitle the applicant to release on bail in second round of litigation, consequently, second bail application is rejected. However, the trial Court is directed to expedite the trial as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde