

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4050 of 2019**

Sunil Sona @ Billu, S/o Shri Budu Sona, aged about 30 years, R/o Dehli, P.S. Sindekala, District Balangeer Odisha, Civil and Revenue District Balangeer Odisha.

---- Applicants**Versus**

State of Chhattisgarh, through Police Station Tikrapara, Raipur (CG).

---- Non-applicant**AND****MCRC No.4052 of 2019**

Laxman Nayak @ Kalia, S/o Shri Jatia Nayak, aged about 34 years, R/o Bangomunda, P.S. Mangomunda, District Balangeer Odisha, Civil and Revenue District Balangeer Odisha.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Tikrapara, Raipur (CG).

---- Non-applicant

For Applicants : Mr. Ajay Mishra, Advocate
For Non-applicant : Mr. Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.08.2019

1. Above mentioned two bail applications arise out of a common Crime No.72/2019 registered at Police Station Tikrapara, District Raipur for the offence punishable under Sections 457, 380, 411 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that complainant Santosh Agrawal runs Jewellery shop in the name and style of Chhattisgarh Jewelers at Sidharth Chowk, Tikrapara, Raipur. In the intervening night of 1/2-2-2019, some unknown persons stole jeweleries from his shop, the total of Rs.76 lacs. On the memorandum of applicant-Sunil Sona @ Billu, some golden and silver ornaments and cash Rs.3,00,000/- were seized from him. On the memorandum of applicant-Laxman Nayak @ Kalia some golden and silver ornaments and cash Rs.3,50,000/- were seized from

him. As per property identification memo, the said complainant has identified some golden and silver ornaments by touching and by experience.

3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case. He further submitted that identification of the property is not proper thus it cannot be relied. The applicants are in jail since February, 2019, therefore, the applicants may be released on bail.

4. On the other hand, counsel for the State opposed the bail application. He submitted that no criminal antecedent of the applicants is reported in police case diary.

5. At this stage, *prima facie* considering the identification of memo of property it cannot be said that no case is made out against the applicants.

6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, looking to the huge seizure of golden and silver ornaments, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of CrPC to the applicants. Consequently, the bail applications (M.Cr.C. No.4050/2019 & M.Cr.C. No.4052/2019) are rejected.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-