

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5121 of 2019

- Mahendra Soni S/o Late Jaganaath Prasad Soni, Aged About 52 Years, R/o Puta Taal, Laal School, House of Mahesh Khare, P.S. Hanuman Taal, District Jabalpur (M.P.), District : Jabalpur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Civil Lines, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Achyut Tiwari, Advocate.

For Non-applicant/State – Shri Kapil Maini, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-05-2019 in connection with Crime No.291/2019 registered at Police Station – Thana - Civil Lines, District Bilaspur, Chhattisgarh for the offence under Section 380, 411, 413, 414 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 26-05-2019. No case is made out against the applicant for commission of offence under Section 411 of the IPC. He has been arrested in this case only on the basis of the memorandum statement given by the co-accused persons. The seizure made from him is not identifiable as stolen property. Charge sheet has been filed after completion of the investigation. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Rakesh Patidar has lodged the FIR regarding theft of jewelries of gold and silver worth Rs. 75,000/- from his house by unknown

persons. During investigation, the co-accused persons were apprehended and interrogated who made statement that they have sold gold jewelry to this applicant. On that basis seizure of one gold piece weighing three tolas has been made from the possession of this applicant. Hence, this case.

6. Considering that there is no criminal antecedent of this applicant, the applicant happened to be a goldsmith and further, charge sheet has been filed and the case is pending for trial, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge