

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6841 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 and Mr. Bharat Sharma, Advocates

For Non-applicant : Mr. Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19.11.2019**

1. This is second 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 at Police Station Ambikapur, 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. The first bail application of the applicant was rejected on merits by this Court vide order dated 11.03.2019 passed in M.Cr.C. No.1194/2019.
4. 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 looted by the dacoits. On the memorandum of the co-accused Ajay @ Vishal @ Bhagirathi Chero, some golden ornaments weighted 70 gms were seized from the applicant.
5. Counsel for the applicant submitted that Samleshwar Pandey (P.W.1) and Satish Singh (P.W.4), who are the witnesses of memorandum and seizure did not support the memorandum and seizure.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that there is no criminal antecedent is reported against the applicant as per police case diary.
7. Prima facie it does not appear that the applicant is bonafide

purchaser.

8. This is true that the detention period of the accused is a relevant factor while dealing with the bail application. But equally, it is also true that looking to the seriousness of the alleged offence and impact of granting bail to the applicant on society are more important and material factors while dealing with the bail application.

9. This is also well settled legal principle that while dealing with the bail application, the Court can neither scrutinize the evidence nor appreciate the evidence. This is also well settled legal principle that while dealing with the bail application, the Court cannot touch the merits and demerits of the case.

10. In the case in hand, Investigating Officer is to be examined.

11. Prima facie it cannot be said that Section 412 of IPC does not attract in the case in hand.

12. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant be released on bail in the second round of litigation. Consequently, the second bail application is rejected.

13. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-