

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3934 of 2020**

- Jaspal Singh S/o Sewa Singh Aged About 35 Years R/o House No. 16 Street 54 Sector - 6 Bhilai Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The District Magistrate Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Shri Ravish Verma, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/08/2020**

Heard.

1. The applicant has moved this bail application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.34/2019 registered at Police Station GRP Bhilai, District Durg for the offence punishable under Section 380, 457 & 411 of the IPC. The applicant was arrested on 13-02-2020.
2. Prosecution case is that a report was lodged in the police station by the complainant-Mukesh Dongre that unknown person has stolen one Samsung Mobile Phone and cash of Rs.8,000/- from his house on 10-05-2019 and after about 8 months, co-accused was arrested and thereafter, his memorandum was recorded, on which, the applicant was arrested and Mobile has been seized from the possession of the applicant. Allegation against the applicant is that he has engaged in purchasing stolen articles and in the present case, he purchased the stolen mobile phone.
3. Learned counsel for the applicant submits that there is no basis for involving the applicant in the alleged commission of offence and merely by purchasing of mobile, knowledge cannot be attributed to the applicant that he

knowingly purchased the mobile phone, though it was stolen one. It is lastly submitted that the investigation is complete, charge sheet has been filed, therefore, at this stage, the applicant may be released on bail.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the applicant knowingly fully well that mobile is stolen one, he purchased the same.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation and the main allegation against the applicant is of commission of offence under Section 411 of IPC and the fact that one mobile is involved in this case and that the investigation is complete, charge sheet has been filed and the applicant is in jail since 13-02-2020, I am inclined to grant bail to the applicant.

6. Accordingly, the bail application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(Manindra Mohan Shrivastava)
Judge