

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7461 of 2020**

Mahesh Prasad Jaiswal, S/o. Shivshankar Prasad Jaiswal, aged about 40 years, R/o. Village Dhaneli, Police Station Dharsiwa, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station City Kotwali, Outpost Karhi Bazaar, District Baloda Bazaar Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Anupam Dubey, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/11/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.186/2020, registered at Police Station – City Kotwali, Out Post - Karhibazar, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 412, 394, 395, 398, 328, 120-B of the Indian Penal Code and Section 25 and 27 of Arms Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The only allegation against the applicant is with regard to commission of offence under Section 412 of I.P.C.. The applicant is bonafide purchaser of the commodity, which was sold by other co-accused persons. The applicant has no previous antecedents. Charge-sheet has been filed after completion of investigation. He is in jail since 26.08.2020. Hence, it is prayed that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the memorandum statement, given by the co-accused persons, this applicant has knowingly made purchase of stolen property i.e. sponge iron, which was looted by the other accused persons. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant, who is in the business of making purchase of sponge iron, purchased sponge iron of about 33 tones from co-accused persons, who had looted the same from the driver of the complainant – Ajit Kumar.
6. Considered the submissions made. Considering the facts and circumstances of the case and further taking into consideration this fact that applicant has no criminal antecedents, charge-sheet has been

filed and there is no further requirement to keep this applicant in continuous detention, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge