

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6425 of 2021**

- Amichand @ Omprakash Soni S/o Ghewarchand Soni Aged About 37 Years R/o Dhaneriya (Wrongly Recorded As Dhanoriya In The Order Sheet), P.S.- Chitalwana, District - Jalor (Rajasthan)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Kotwali, Raipur, Distt. Raipur (Chhattisgarh)

---- Respondent

 For Applicant : Shri Awadh Tripathi, Advocate
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****11.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 24.7.2021 (wrongly mentioned as 27.7.2021 in the bail application) in connection with Crime No.143/2021 registered at Police Station City Kotwali, Raipur Distt. Raipur (C.G.), for the offence punishable under Sections 454, 381, 411 & 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that in the intervening night of 17th & 18th July, 2021, co-accused persons namely Prakash and Bhawarlal, in furtherance of their common intention, entered into a jewellery shop namely Nagina Jems situated to Nahata Market, Sadar Bazar, Raipur and committed theft of jems and jewellery

worth Rs.2 crores and cash of Rs.3,50,000/-. After committing the theft, the accused person with the help of one Shrawan Kumar Vishnoi fled away from the spot in a white Swift Dezire Car bearing registration No.GJ 15 CA 3439 to Jalore, Rajasthan. The accused Shrawan Kumar Vishnoi sold his share of stolen jems and jewellery to present applicant. The present applicant purchased the same from accused Shrawan Kumar knowing that it is the stolen jewellery. On report, being lodged by Narendra Duggat, owner of the said jewellery shop, present crime was registered and after investigation, charge sheet under Sections 454, 381, 411 & 34 of the IPC was filed against accused Shrawan Kumar and present applicant. Other co-accused persons are still absconding.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, he has not committed the alleged crime. Present applicant is a goldsmith and owner of a jewellery shop. He had purchased some jems and jewellery from Shrawan Kumar Vishnoi without knowing the fact that those were stolen property. The applicant is in jail since 24.7.2021, the trial will take considerable time for its conclusion, hence, the applicant may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submits that the applicant knowingly purchased the stolen jems and jewellery, hence, he is not entitled for grant of bail.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, profession of the applicant, his detention period and also taking into consideration that charge sheet has already been filed and charge against the applicant is only under Section 411 IPC, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. The accused applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE