

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8283 of 2021

- Akash Dubey S/o Santram Dubey Aged About 21 Years R/o Housing Board, Jamul, Bhilai P.S. Jamul, Bhilai District- Durg , Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through- SHO, P.S. Bhilai Nagar District- Durg, Chhattisgarh

---- Respondent

For Applicant : Shri Aman Pandey, Advocate
For Respondent/State : Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

10.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.04 of 2021 registered at Police Station Bhilai Nagar, District-Durg, Chhattisgarh for the offence punishable under Sections 379, 411, 414 of the IPC, and Section 41 (1 + 4) of the CrPC.

2. Case of the prosecution, in brief, is that, on 22.12.2020, complainant went to BSP Hospital on his Motorcycle and parked his vehicle in the stand. After completion of his work at hospital when he came back, he did not find his Motorcycle at parking place. Thereafter, incident was reported to concerned Police Station during the course of investigation, applicant was arrested on 09.09.2021 and nine mobile phones were seized from possession of applicant. In his memorandum statement, he stated that he purchased mobile phones from other four co-accused persons, who made theft/loot of those mobile phones and sold the same to applicant.

3. Shri Aman Pandey, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. He was not aware that other co-accused persons from whom applicant purchased mobile phones, are of theft/looted from other persons. There is no criminal antecedents of similar nature against applicant and he is in jail since 09.09.2021. Hence, he may be enlarged on bail.

4. Shri Vimlesh Bajpai, learned State counsel opposing the submissions of learned counsel for the applicant, submits that Police during the course of investigation, arrested other four co-accused persons during the course of investigation, their statements were recorded. In their statement it revealed that they have sold looted/theft mobile phones to applicant. Based on their memorandum statement, applicant was interrogated and nine mobile phones were seized from him. Applicant could not able to produce relevant documents that he purchased those mobile phones. Hence, applicant is not entitled for regular bail. However, he submits that there is one criminal antecedent against applicant in case diary for offence punishable under Sections 394 and 411 of IPC. Only allegation against applicant is that he purchased looted/theft mobile phones. Based on seizure of mobile phones, applicant is also implicated in crime.

5. I have heard learned counsel for the parties.

6. Having regard to facts and circumstances of the case, nature of allegations, the fact that allegation against applicant is that he purchased looted mobile phones, period of detention, and the case to be triable by

the Magistrate, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma