

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2896 of 2015

Ashok Kumar Amrani, aged 48 yrs, S/o Shri Sumbhamal Amrani, R/o Amarkuti, Katoratalab, P.S. Civil Lines, Civil and Rev. Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through PS Mandir Hasoud, Civil & Rev. Distt. Raipur (C.G.)

---- Non-applicant

Misc. Criminal Case No.3372 of 2015

Bunty Pandey @ Ravi Prakash Pandey, S/o Shri A.N. Pandey, aged about 48 years, R/o H.No.7, Pt. Deendayal Kuram, Ward No.28, Sector 11, Khursipar, Bhilai, Distt. Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through PS Mandir Hasoud, Raipur (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.3467 of 2015

Sujit Kumar, S/o Late Shiv Nandan Gupta, aged about 45 years, Occupation Business, R/o Camp-1, Road No.18, Pragati Nagar, Bhilai, Police Station Chhaoni, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Mandir Hasod, Distt. Raipur (CG)

---- Non-applicant

For Applicant in M.Cr.C.No.2896/2015: Mr. Devershi Thakur, Advocate.

For Applicant in M.Cr.C.No.3372/2015: Mr. Arvind Singh, Advocate.

For Applicant in M.Cr.C.No.3467/2015: Mr. Uttam Pandey, Advocate.

For Non-applicant/State: Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Mr. Justice Sanjay K. Agrawal

Order On Board

28/07/2015

1. Heard.
2. Since all the above applications are arising out of the same crime number, they are being disposed of by this common order.
3. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.64/2015, registered at Police Station Mandir Hasoud, Distt. Raipur for the offence punishable under Sections 406, 420, 467, 468, 471 and 120B of the IPC.
4. Case of the prosecution, in brief, is that a tanker containing 22,000 litres of furnace oil was dispatched on 14-3-2015 by M/s. Hindustan Petroleum Corporation Limited at Mandir Hasoud to M/s. Monnet Ispat Limited, Raigarh, but the said tanker did not reach there and on the report made by the Manager of said M/s. Monnet Ispat Limited it was found that the present applicants along with other co-accused persons have conspired to cheat the complainant by making adulteration to the said furnace oil, and thereby committed the offence.
5. Mr. Uttam Pandey, learned counsel appearing for applicant Sujit Kumar in M.Cr.C.No.3467/2015, submits that the present applicant is a transporter, he has been falsely implicated, he has not committed any offence and he has no role to play in the offence in question as such, he is in jail since 7-4-2015. He further submits that charge-sheet has already been filed and no useful purpose will be served by detaining the applicant in jail.
6. Mr. Devershi Thakur, learned counsel appearing for applicant Ashok Kumar Amrani in M.Cr.C.No.2896/2015, would submit that the present applicant has also been falsely implicated as he was not present in the place of occurrence and his company stood dissolved in the year 2013 as such, he is in jail for a

very long time since 24-3-2015, and charge-sheet has already been filed.

7. Mr. Arvind Singh, learned counsel appearing for applicant Bunty Pandey @ Ravi Prakash Pandey in M.Cr.C.No.3372/2015, would submit that the said furnace oil had already reached M/s. Monnet Ispat Limited, Raigarh, on 17-3-2015, therefore, the question of adulterating the same by mixing other raw material does not arise and the applicant has no role to play in the offence in question.
8. Per contra, Mr. Om Prakash Sahu, learned Govt. Advocate, opposes the bail applications and submits that Dilip Kumar Singh has given memorandum statement and has informed the role of applicant Sujit Kumar who is a transporter. He further submits that two bill books have been seized from applicant Ashok Kumar Amrani and two documents have been seized from applicant Bunty Pandey.
9. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking into account the role of the present applicants and the manner in which 22,000 litres of furnace oil dispatched by M/s. Hindustan Petroleum Corporation Limited to be unloaded at M/s. Monnet Ispat Limited, Raigarh was not unloaded at the required destination and seized from the garage yard at Kumhari, I do not consider it a fit case for grant of bail to the applicants. The applications are hereby rejected.

Sd/-
(Sanjay K. Agrawal)
Judge