

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3853 of 2015**

Pitambar, S/o. Sukhdev Chouhan, aged about 20 years, R/o. Village Basna, P.S.,
Post and Tahsil Basna, Civil and Revenue District Mahasamund (CG)

---Applicant

Versus

State of Chhattisgarh, through: Police Station Sarangarh, Raigarh, District
Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Manoj Paranjape, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/08/2015**

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.54/2015, registered at Police Station-Sarangarh, District Raigarh (C.G.), for the offence punishable under Sections 407 and 420 of the IPC.

2. Case of the prosecution, in brief, is that the applicant being transporter loaded 250 quintals of rice amounting to Rs.3,50,000/-, owned by Ganpati Rice Mill, Sarangarh, to be unloaded at Krishna Rice Mill, Nevra, Distt.Raipur, which he has misappropriated and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that in fact, the vehicle suffered break-down and therefore, the applicant has unloaded the rice to his house, which has been seized and

handed over to the person concerned by the Judicial Criminal Court. The applicant has no intention to misappropriate the rice and entire rice has been seized and has been delivered to the person concerned. Learned counsel would also submit that the applicant in jail since 23.3.2015 and charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; also considering the fact of vehicle suffered break down, taking note of the fact that rice has been seized from the house of the applicant and has been delivered to the person concerned, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, 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 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-