

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4195 of 2015**

Krishna Vallabh Choudhary, S/o. Bhojnarayan Choudhary,
aged about 49 years, resident of Bhawani Nagar, resident
of Bhawani Nagar, Bilaspur, Civil and Revenue District
Bilaspur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through: District Magistrate Durg,
Civil and Revenue District Durg (C.G.)

---- Non-applicant

For Applicant: Mr. Shivraj Singh, Advocate.

For Respondent/State: Mr. Anant Bajpai, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.46/2015 registered at Police Station G.R.P. Bhilai for the offences punishable under Sections 407, 420 & 411 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant, being the driver of the tanker, has stolen 3,000 liters of diesel from the tanker and mixed kerosene oil in place of diesel, and sold it to the open market and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question as he is only the driver of the vehicle. He further submits that there is delay of two months in lodging the First Information Report; and similarly situated co-accused – Aman Sharma has already been released on bail and, therefore, applicant may be released on bail on the ground of parity.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which applicant has stolen 3,000 liters of diesel from the tanker and kerosene oil was mixed in the tanker in place of diesel, and sold it to the open market and the other material collected by the prosecution, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-