

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4611 of 2015**

T. Rajiv, S/o Shri Krishnan, aged about 56 years, Resident of Kanancheri, P.O. Kallai, P.S. Tiruvannur, District – Kojikode (Keral)

---Applicant

Versus

State of Chhattisgarh: Through Police Station Devendra Nagar, District – Raipur (CG)

---Non-applicant

For Applicant	:	Mr. Apoorva Triapthi, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

10/09/2015

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.180/2014, registered at Police Station-Devendra Nagar, District Raipur (C.G.), for the offence punishable under Sections 420, 467, 468, 471 & 120B read with Section 34 of the IPC and Section 3 & 7 of the Essential Commodities Act.

2. Case of the prosecution, in brief, is that on 27.12.2014 the tanker bearing registration No.CG-07-C-3284, owned by one Narayan Sabri, loaded with kerosene oil meant for public distribution system (PDS) was found parked near Narayana Hospital. On the basis of information, the police intercepted and seized the tanker and thereafter, made a raid in the godown owned by co-accused Anand Agrawal. It was further case of the prosecution that the said accused-Anand Agrawal used to change the colour of blue kerosene by using chemical and due to the said act he used to earn huge black money and thereafter, it was sold to P.K. Trading Company, Kallai, to which the applicant is Manager.

3. Learned counsel for the applicant would submit that the applicant has not

committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is alleged to be purchaser of the said adulterated kerosene oil and Ganesh Agrawal & Anand Agrawal have been enlarged on bail in M.Cr.C.Nos.1634 of 2015 and 2425 of 2015 vide orders dated 28.4.2015 and 21.5.2015, he is in custody since 9.8.2015 and charge-sheet has already been filed, and therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State referring the statement of Vivek Kumar Singh under Section 164 of the Cr.P.C 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; role of the present applicant and the fact that co-accused Anand Agrawal has been enlarged on bail in M.Cr.C.No. 2425 of 2015 vide order dated 21.5.2015, this Court is of the opinion that present is the 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/-