

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5220 of 2015

1. Vikramjeet Singh Bali (wrongly mentioned as Vikramjeet Singh) @ Lucky, S/o. Narinder (wrongly mentioned as Narendra) Singh Bali, A/A 31 years, R/o. Nayapara Ward, Bhatapara, Thana Bhatapara (City), District Balodabazar (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Aarakshi Kendra Gidhori, District Balodabazar (C.G.)

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Advocate
For Respondent/State	: Mr. Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2015

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.84/2015, registered at Police Station – Aarkshi Kendra Gidhori, District Balodabazar (C.G.) for the offence punishable under Section 379, 407, 420, 120B of the Indian Penal Code and Section 3 & 7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that the applicant in connivance with the truck driver misappropriated 240 quintals of paddy, which were being meant to be transported from Nardha to Baktara, Mandir Hasaud and he being the owner of the truck has misappropriated and sold out the paddy.
3. Learned counsel for the applicant would submit that the applicant is the owner of the two trucks bearing No.C.G.-04-DD-1234 and C.G.04-

J-4778 and the truck which was involved in the crime do not belong to the applicant. He would further submit that the charge sheet has been filed and even after framing of the charges, the offence under Section 379 and 120B of I.P.C. has been exonerated. He would submit that the applicant is in jail since 11.07.2015. Therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact the nature of the allegations made, the defence raised by the applicant has to be considered after considering the evidence and taking into the fact that the charges has been framed and taking into the nature of the offence and the statement and the fact that applicant is in jail since 11.07.2015, 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 his 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/-
(Goutam Bhaduri)
Judge