

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4458 OF 2015**

Ravishankar Sahu, S/o Dhaneshwar Sahu, aged about 40 years, R/o Hasuva, Baloda Mod, Police Station Gidhouri, Tahsil Kasdol, Civil & Revenue District Baloda Bazar-Bhatapara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Police Station Giroudhpuri, District Baloda Bazar-Bhatapara (C.G.)

---Non-applicant

For Applicant	:	Mr. Manoj Paranjpe, Advocate.
For-Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/09/2015**

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. 86/2015, registered at Police Station Giroudhpuri, District Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Sections 379, 407, 420, 120-B of Indian Penal Code.

2. Case of the prosecution, in brief, is that, 220 quintals of paddy was loaded in the truck bearing registration No. CG-04/JB 2138 for transporting the same to the Paddy Procurement Center but the said paddy was not transported to the required destination and which was stolen and it was misappropriated after changing registration number and thereby Rs. 2,99,200/- was misappropriated by applicant along with other co-accused persons.

3. Learned counsel for the applicant would submit that applicant neither owner of the truck nor driver of the truck. He would further submit that applicant has not taken delivery and merely on the basis of memorandum statement of the driver he has been implicated in offence in question. He would lastly submit that applicant is in jail since 11/07/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that applicant has not only change the registration number of the truck in question but also got paddy delivered to some rice miller other than required destination and misappropriated the amount. He would lastly submit that matter is under investigation as no charge sheet has been filed and the vehicle owner is also named the present applicant.

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; the manner in which Government paddy was stolen and it was misappropriated by the applicant in collusion with other co-accused persons, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE