

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1528 of 2016

1. Pawan Kumar Agarwal, aged about 36 years, S/o Sumer Chand Agarwal, R/o Patna, P.S. Patna, Tahsil & District Baikunthpur (C.G.)
 2. Shrawn Kumar Agarwal, aged about 33 years, S/o Sumer Chand Agarwal, R/o Patna, P.S. Patna, Tahsil & District Baikunthpur (C.G.)
- Applicants

Versus

State of Chhattisgarh, Through Station Incharge, Police Station Katghora, District Korba (C.G.)

---- Non-applicant

For Applicants:	Mr. Anumeh Shrivastava, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/03/2016

1. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.23/2015, registered at Police Station Katghora, Distt. Korba, for the offence punishable under Sections 420 and 406 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicants being transporters were authorized by Kushal Rice Mill and delivery order was issued to transport 2,000 quintals of paddy from Sangrahan Kendra, Mulmula, Distt. Janjgir-Champa to Kushal Rice Mill, Village Sutarra, Distt. Korba. The applicants took delivery of the aforesaid 2,000 quintals of paddy amounting to Rs.30 lakhs but did not deliver it to the destination i.e. Kushal Rice Mill and thereby embezzled Rs.30 lakhs.

3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have falsely been implicated in the case, there is delay of nine months in lodging the FIR and the applicants were never authorized to collect the paddy from the paddy collection centre, Mulmula to Kushal Rice Mill and the delivery order dated 22-7-2014 is bogus and fake. The applicants are in jail since 12-9-2015. The affidavit said to be executed by Pawan Kumar Agrawal is also a bogus affidavit. Charge-sheet has been filed.
4. On the other hand, learned counsel opposes the application and submits that the applicants were clearly authorized by Kushal Rice Mill to collect paddy and transport it to Kushal Rice Mill, Sutarra, Distt. Korba and in fact, after having taken over the possession of paddy, the applicants did not deliver the same to its destination.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and the manner in which 2,000 quintals of paddy was said to have been obtained by the applicants to transport it to Kushal Rice Mill and did not deliver the same to the required destination, I am not inclined to grant bail to the applicants. The application is accordingly rejected.

Sd/-
(Sanjay K. Agrawal)
Judge