

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6906 of 2015

Manish Amarani S/o. Shri Ashok Amarani, aged about 23 Years, R/o. Katora Talab, Raipur, District Mahasamund(As mentioned in order of Learned Court Below originally Raipu (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Mahasamund, Tehsil and District Mahasamund (C.G.)

---- Respondent

For Applicant	:-	Mr. Vaibhav P. Shukla, Advocate
For Respondent/ State	:-	Mr. Ramakant Mishra, Dy. Adv.General

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 195/2015 registered at Police Station- Mahasamund (C.G.) for the offence punishable under Sections 467,468,471,420,34 and 120 B of Indian Penal Code.
2. Case of the prosecution, in brief, is that the furnace oil which was loaded from H.P.C.L. were being made for transportation to be delivered at Raigarh. During the journey from HPCL to Raigarh the oil loaded in the tanker were being taken out and sold to the different purchasers instead of the black oil was being mixed up and the applicant sold the furnace oil to the different purchasers to the extent of Rs. 65 lakhs. Thereby,the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that there is no evidence available against the present applicant and from the possession of the applicant only a mobile was seized. He further submits that only on the basis of mobile he has been inculpated in this case. He further submits that only on the basis of the memorandum statement, the applicant has been arrested. He further submits that there are total 50 witnesses out of which only two witnesses are examined, therefore, considering the delay of trial, he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail and submits that there are 17 co-accused persons alongwith the applicant who have managed the furnace oil and had prepared the false bills and invoices and misappropriated the money. He further submits that the bail application of similarly placed co-accused person namely Umesh Kumar Sahu was dismissed as withdrawn by the Coordinate Bench of this Court in M.Cr.C. No. 5059 of 2015 on 13.10.2015. He further submits that the case of the present applicant is similar to that of co-accused namely Umesh Kumar Sahu, therefore, the applicant also should not be enlarged on bail.
5. Perused the case diary. Perusal of the case diary, prima facie, appears, that the applicant with the help of other co-accused has committed the offence and huge money was misappropriated by the applicant alongwith the other co-accused. Considering the fact, that the bail application of similarly placed co-accused persons has been dismissed as withdrawn by the Coordinate Bench of this Court in M.Cr.C. No. 5059 of 2015 on 13.10.2015. it is not proper, for this Court to grant bail to the present applicant,

as case of the applicant is also similar to that of co-accused Umesh Kumar Sahu, who's bail was dismissed, therefore, this Court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge