

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7663 of 2015

Amit Jain @ Banti Jain, S/o. Madan Lal Jain, aged about 40 Years, R/o. Kachhari Chouk, Jail Raod, Raipur, Police Station Devendranagar, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station City Kotwali, Mahasamund, District Mahasamund (C.G.)

---- Respondent

For Applicant	:-	Mr. Satish Chandra Verma, 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- City Kotwali, Mahasamund (C.G.) for the offence punishable under Sections 379, 411, 407, 420, 467, 468, 471, 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant was engaged in the business of carrying furnace oil from H.P.C.L. Mandir Hasoud to Raigarh Power Plant and other companies as a transporter. During the such transportation, after loading of original furnace oil from HPCL Mandir Hasoud, it was sold to the different purchasers and instead of original furnace oil, the applicant and the other co-accused inserted mixed oil in place of original furnace

oil. The original furnace oil was being unloaded to Shubham Organic Company Birkoni. It is the allegation, that the forged bills of black furnace oil was prepared from Subham Organic Birkoni in the name of Kornak Pesticide and Agro product Rasmuda, Durg and the tanker was unloaded in Green Petroleum Fuels, Siltara. The applicant being the owner of the Padma Enterprises with the help of other transporters and the agent have misappropriated the huge amount and prepared the forged bill and invoices. 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 the applicant has directed to his driver to go to certain other places, whereby, the driver having enraged left the vehicle out side of Green Petroleum Fuels, Siltara. 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 and only on the basis of the memorandum statement of one Shatruhan, the applicant has been arrested, therefore, 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