

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3819 of 2016

- Prahlad Kumar Mulwani S/O Late Harjas Mal Mulwani Aged About 40 Years (Wrongly Menioned Harvansh In Bail Order Of The Court Below) R/O Shihava Chowk Dhamtari P.S. City Kotwali Dhamtari Civil & Revenue District Dhamtari Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Incharge P.S. Torwa Bilaspur District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Suresh Kumar Pandey, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2016

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 on 2-6-2016 in connection with Crime No.146 of 2016, registered at Police Station Torva, Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 407, 120-B of the IPC.
2. As per prosecution case, a report was made that the Truck bearing registration No. CG-04-JD-7711 was loaded with turmeric which was handed over to driver Satendra Kumar and Khalasi Rajesh Kumar for transporting the same to Ranch, but instead of transporting the Truck to Ranch the same was transported to other place and sold the entire turmeric to the present applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has purchased the goods for consideration and has paid

Rs.8,00,000/-, therefore, no allegations have been attributed to the applicant as he was party in the said incident. He would further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed in this case and he is in jail since 2-6-2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents which would show that the applicant has purchased turmeric for value of Rs.8,00,000/-.
6. Taking into consideration the totality of the circumstances, nature of allegation leveled against the applicant and considering the fact that the goods were purchased by the applicant, charge-sheet has been filed in this case and he is in jail since 2-6-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju