

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4211 of 2016

1. Vijay Kumar Salame, S/o. Govind Salame, aged about 26 years, R/o. Village-Jadutola, Police Station – Ambagarh Chowki, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station- Dongargaon, District – Rajnandgaon (Chhattisgarh)

---- Respondent

AND

M.CR.C. No. 4214 of 2016

1. Rupendra Kumar Sahu, S/o. Shri Bhuvan Lal Sahu, aged about 22 years, Caste-Sahu, R/o. Village-Aliwara, Police Station & Post Gendatola, Tahsil – Chhuriya, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station- Dongargaon, District – Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Aditya Bhardwaj, Advocate & Mr. Abhisek Sharma, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/08/2016

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.114/2016, registered at Police Station – Dongargaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 407, 411 & 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that a report was made by one Rajayuddin, Manager, Abis Export India Pvt. Ltd. that the accused – Rupendra Kumar Sahu, who was the supervisor in connivance with the other accused, Vijay Kumar, who was the driver allowed to be taken out certain bags of poultry feed on the basis of the forged DO in all 55-60 bags poultry feeds, which was of Rs.1.00 lakh to Rs.1.50 lakhs and sold it to other persons.
3. Learned counsels for the applicants submit that the incident is allowed to have been committed on 09.01.2016 for which a report has been made and only on the basis of mis-communication, the applicants have been wrongly inculpated in this case and no offence has been committed by the applicants. It is further submitted that charge sheet in this case has been filed and the applicant – Rupendra is in jail since 11.05.2016 and applicant – Vijay Kumar is in jail since 26.05.2016, therefore, the counsels prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicants and further considering the fact that charge-sheet in this case has been filed and no further evidence is required, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on

regular bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram