

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3769 of 2016

1. Sanjeev Yadav, S/o. Shri Dhurendra Yadav, Aged About 26 Years, R/o. Hariharpur, P.S. Baniyapur, District Chhapra, Bihar.
2. Satendra Kumar Vishwakarma, S/o. Late Rupdev Vishwakarma, Aged About 28 Years, R/o. Village Lodha, Police Station Ramchandrapur, District Balrampur, Chhattisgarh. At Present R/o. Loha Daba, Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Torwa, Bilaspur,
District Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. Dheerendra Pandey, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.146/2016 registered at Police Station- Torwa, District Bilaspur (C.G.) for the offence punishable under Section 407, 120(B) of Indian Penal Code.
2. Case of the prosecution, in brief, is that 20-21 tonnes of Turmeric loaded in the Truck bearing No. C.G. 04 ZD 7711 which was to reach to Ranchi did not reach there and instead the same was sold by the present applicants alongwith Khalasi to one Prahlad at Dhamtari and thereby the offence is committed.

3. Learned counsel for the applicants would submit that the entire allegation is primarily on Rajesh Kumar who was the Khalasi of the Truck and he was entrusted the goods and not this applicants and therefore no allegation is attributed to this applicants. He further submits that the charge sheet has been filed and the applicants are in jail since 25.05.2016, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the statement. Perusal of the documents would show that the Turmeric which was loaded in the Truck was sold by the present applicants in connivance with the other co-accused and on the basis of the memorandum the Turmeric was recovered from one Prahlad at Dhamtari; therefore, considering the nature of allegation, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge