

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5207 of 2016

1. Awdhesh Gupta, S/o. Dwarika Prasad Gupta, aged about 24 years,
R/o. Village-Sairpur, P.S. - Sidhi, District – Sidhi (M.P.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station
– Balco Nagar, District – Korba (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.132/2014, registered at Police Station – Balco Nagar, District – Korba (C.G.) for the offence punishable under Section 420, 471 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 14.04.2014 a truck bearing No. C.G.-04-JB-9996 loaded coal from Deepika and reached to Balco and when one truck was loaded coal inside, another truck came with same number as such the report was made and after investigation it was found that same number is using in two trucks, thereby the offence has been committed.

3. Learned counsel for the applicant submits that there is no misappropriation of the goods made by the present applicant as truck which were loaded with coal has reached to its destination and probably since the owner of the truck was having different trucks as such, the wrong numbers was attached. He further submits that the applicant is only driver of one of the truck, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that owner of the truck was K.J.S.L. Coal and Power Limited and he is having three trucks bearing No.C.G.-04-JC-7421 and C.G.04-JC-7451, wherein the tax was paid up till 31.03.2014 and truck bearing No.C.G.-04-JB-9996 the tax was paid up till 31.07.2014, therefore, the similar number might have been used.
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 and the fact that the incident is of the year 2014 and further taking into the background of this case, applicant is in jail since 01.08.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge