

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5551 of 2016**

Vishnu Gupta, S/o. Shri Udayram Gupta, Aged About 55 Years, R/o. Amatalab Road, Police Station Magarlod Dhamtari, District Dhamtari, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Magarlod, District Dhamtari, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Prateek Sharma, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**16.11.2016**

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.61/2015 registered at Police Station- Magarlod, District Dhamtari (C.G.) for the offence punishable under Section 409, 420, 34 of Indian Penal Code.
2. As per the prosecution case, the applicant who was managing M/s. Matritwa Mini Rice Mill had received the paddy for the custom milling from 31.12.2013 and against the collection of 16,569.93 quintal, 11,185 quintal rice was to be deposited but the applicant alongwith other co-accused had deposited only 7,502.79 quintal rice; thereby total 3,599.02 quintal rice were not deposited which amount to Rs.73,03,985/-. Therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and according to the documents, the ownership of the rice mill was by Sunita Gupta, sister-in-law of the

applicant. He further submits that the applicant is a government servant and only on the statement of few of the witnesses, the applicant has been inculpated and there is no documentary evidence to connect the applicant with the offence. He submits that the charge sheet has been filed and only on the apprehension the applicant has been arrested, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the letter of the State Bank is enclosed which shows that the banking was being operated by Lokesh Kumar Gupta, who is son of the applicant.
5. Perused the case diary and the documents. The letter of the State Bank shows that the main transaction was being done by Lokesh Kumar Gupta who is son of the present applicant. Considering the fact that the applicant has been inculpated only on the statement of few of the witnesses and taking into fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-  
**(Goutam Bhaduri)**  
Judge