

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5574 of 2016

- Sanjay Sharma S/O Ripusudan Sharma Aged About 40 Years Former Store Keeper, Walfort City R/O Changorabhatha, Post Sundernagar, Police Station : Purani Basti, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Purani Basti Raipur, District : Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Kumar Trivedi, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-09-2016

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 14-08-2016 in connection with Crime No. 201 of 2015, registered at Police Station Purani Basti, Raipur, District Raipur (CG) for the offence punishable under Sections 407 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by Rakesh Jha on behalf of Chhattisgarh Project India Limited which was constructing Walfort City at Bhatagaon that the said company ordered certain iron rods of TMT from Hi-tech Power and Steel Limited which was to be delivered through Mittal Services. On 13-6-2015, a Tractor of Mittal Services bearing registration No. CG-4-M-9055 loaded the said goods

which were to be unloaded at Walfort city on 14-6-2015. Though loading of the said iron rods were 38.280 tons, but when it was unloaded 10 tons of goods were found to be less and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the case. If the goods were misappropriated by the transportor, for that the applicant cannot be held liable, therefore, no offence is made out against the applicant. He would further submit that charge-sheet is yet to be filed in this case, the applicant is in jail since 14-08-2016 and no further investigation is necessary, therefore, the applicant 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, perused the case diary and documents.
6. Perused the report of complainant Rakesh Jha wherein it is said that on enquiry it was found that 10 tons of goods were found to be less on unloading, but more goods were found to be unloaded.
7. Taking into consideration the allegations so made and further considering earlier report which shows that ten tons of goods were found less in unloading and the nature of evidence so collected by the prosecution against the applicant and also the fact that the applicant is in jail since 14-8-2016, I am inclined to release the applicant on bail.

8. 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju