

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6662 of 2016

1. Sandeep Bansal, S/o. Phoolchand Bansal, age 42 years, R/o. M.D.D. 142, Kabir Nagar, Housing Board Colony, Kabir Nagar, Raipur, Tehsil & District – Raipur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station – Khamtarai, District – Raipur (C.G.)

---- Respondent

&

M.CR.C. No. 6373 of 2016

1. Naushad Ahmad, aged about 27 years, S/o. Irshad Ahemad, R/o. Muniguda, Vikasnagar, Police Station – Muniguda, District – Raigarha (Odisha). Presently residing at H. No. H.D.D./142, Kabir Nagar, Tiranga Chowk, P.S. - Kabir Nagar, Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Khamtarai, District – Raipur (C.G.)

---- Respondent

For Applicants	: Ms. Sharmila Singhai, Mr. Sanjay Agrawal & Mr. Kashif Shakeel, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

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.139/2016, registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 407, 409, 419, 420, 467, 468, 471 R/w. Section 120-B of Indian Penal Code.

2. Case of the prosecution, in brief, is that a report was made by one Anil Kumar Potbhare, Sales Manager, Inland Logistic Pvt. Ltd. that on 13.06.2016 aluminum was loaded from Korba in four trucks, which were to reach at Bangalore in the meanwhile, the said aluminum was sold by the truck drivers namely Narendra, Vinod, Ranu Nishad and Udesankar to Nitesh, Rakesh Agrawal, Vimal Sultania, and Mukesh Agrawal. It is alleged that while such aluminum was sold, the present applicants were negotiated as commission agent. Thereby the applicant along with truck drivers in connivance with each other has committed the offence.
3. Learned counsels for the applicants submit that the applicants had only worked as commission agent and the said purchase was made from the present applicants as they negotiated the entire deal. It is further submitted that purchasers Nitesh, Rakesh Agrawal, Vimal Sultaniya, Mukesh Agrawal have entered into compromise with the complainant, Anil Kumar, Sales Manager as the entire amount has been paid, which would show that the applicants have not committed any offence since the entire amount of the price has been paid and negotiated and settled. It is further submitted that criminal case against the purchasers, Nitesh, Rakesh Agrawal, Vimal Sultaniya, Mukesh agrawal has been quashed in Cr.M.P. No.1166/2016 on 21.11.2016 and the present applicants they are at par and the entire sale proceeds through the present applicants, they have not committed any misappropriation. Therefore, the applicants may be enlarged on bail.

4. The State counsel was directed to verify the fact that whether the purchasers have settled the dispute with complainant and the report has come on record with the statement of Anil Kumar, complainant which shows that complainant, Anil Kumar has settled the dispute with the purchasers.
5. Taking into such fact, the nature of transaction and the role played and further taking into the fact that the complainant has settled the dispute with the purchaser and further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 12.07.2016 and 07.07.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
7. 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge