

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6952 of 2016

- Wasim Khan S/o Abdul Sattar Khan Aged About 29 Years R/o Zone-3, Road No.-9, Beside Of Quarter No. 3/ A Kursipar, Bhilai, Durg Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Mandir Hasoud Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Vikram Singh, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-11-2016

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 on 23-9-2016 in connection with Crime No. 64 of 2015, registered at Police Station Mandir Hasoud, Raipur, District Raipur (CG) for the offence punishable under Sections 409, 420, 467, 468, 471, 120-B of the IPC.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused persons used to take out furnace oil from Tanker belonging to HPCL and after unlocking the said Tanker, mixed some block oil and water and tried to sell out the same and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no evidence is available against the present applicant and 17 persons who have

been tried have been acquitted by the trial Court. Present applicant is taking treatment, therefore, he could not appear. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 23-9-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of Dayashankar Gupta and Chandrabhanu Yadav wherein direct allegations have been attributed to the present applicant. No evidence is placed on record to show that the applicant is taking the treatment. It appears that only after the other co-accused have been discharged, the applicant surrendered himself.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence was committed and further considering the statements of Dayashankar Gupta and Chandrabhanu Yadav, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju