

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7167 of 2016

1. Ram Kumar Chandrakar S/o Late Shri Kanhaiyalal Chandrakar Aged About 53 Years R/o Shakti Nagar, Talabpar, Ward No. 18, Durg, District Durg, Chhattisgarh.
2. Rajkumar Sahu S/o Samaru Ram Sahu Aged About 46 Years R/o Village Gadadih, Post Litiya, Police Station Bori, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. B.P. Singh, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 28-8-2016 in connection with Crime No. 66 of 2016 registered at Police Station Bori, District Durg (CG) for the offence punishable under Sections 3 & 7 of Essential Commodities Act and Section 420, 34 of the IPC..
2. As per prosecution case, on being information received that the applicants along with other co-accused persons have illegally manufactured or adulterated Tarpin oil in the godown of Rajkumar Sahu, who is applicant No.2, raid was conducted whereby from the possession of Ram Kumar 400 liters of kerosene oil along with other chemicals were recovered and from Raj Kumar 1200 liters of kerosene oil along with other chemicals were recovered which was meant for public distribution system.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated, charge-sheet has been filed in this case, the applicants are in jail since 28-8-2016 and no further investigation is required. He would further submit that the case of the present applicants is similar to that of other co-accused namely Dinesh Agrawal, who has been granted bail vide order dated 7-11-2016 passed by this Court in M.Cr.C.No. 6909 of 2016, therefore, present applicants may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicants is similar to that of other co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicants are in jail since 28-8-2016 and further considering the fact that similarly placed other co-accused has been granted bail, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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