

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7348 of 2016

- Mohd. Aarif Firdosi S/o Mohd. Kasim Firdosi Aged About 28 Years
Occupation- Truck Owner, R/o Village Shrigarh, Ambikapur, Police
Station Kotwali, Tahsil Ambikapur, District Surguja, Chhattisgarh
--- **Applicant**

Versus

- State of Chhattisgarh through The Station House Officer, Police
Station Khamtarai, District Raipur, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. V. K. Pandey, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 139/2016 (C.G) registered at Police Station Khamtarai, Distt. Raipur (C.G) for the offence punishable under Sections 407, 409, 419, 420, 467, 468, 471 & 120-B of IPC.
2. As per the prosecution case, a report was made by one Anil Kumar, Sales Manager, Inland Logistic Pvt. Ltd., that on 13.06.2016 aluminium was loaded from Korba in four trucks which were to reach to Bangalore. In the meanwhile, the said aluminum was sold by the truck drivers namely Narendra, Vinod, Ranu Nishad and Uday Shankar to Nitesh, Rakesh Agrawal, Vimal Sultania and Mukesh Agrawal. It is alleged that out of the four offending trucks, the applicant is owner of two trucks and he along-with other accused in connivance with each other sold the Aluminium, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the concerned

agents who dealt with as commission agents for the sale of Alluminium I.e., Sandeep Bansal and Naushad Ahmad have been enlarged on bail by this Court in M.Cr.C. No. 6662 & 6373 of 2016 on 22.11.2016 and the present applicant is merely the owner of the Trucks, therefore, no further allegations can be attributed to this applicant. He further submits that the owner of aluminum had already settled the dispute with the purchasers and on that basis, the bail was granted to other accused. It is also submitted that the charge sheet in this case has been filed; no further investigation is necessary and the applicant is in jail since 12.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the other co-accused have been enlarged on bail by this Court.
5. Perused the case diary and other documents. The applicant appears to be the owner of two trucks.
6. Considering the totality of the facts and circumstances of the case especially the fact that the charge sheet in this case has been filed; the applicant is in jail since 12.06.2016 and the other accused Sandeep Bansal and Naushad Ahmad have been enlarged on bail by this Court, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**