

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8056 of 2016

Sunita Gupta, W/o. Ramesh Gupta, Aged About 35 Years, R/o. Village Megha, Police Station Magarlod, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Magarlod, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.12.2016

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 in connection with Crime No.61/2015 registered at Police Station- Magarlod, District Dhamtari (C.G.) for the offence punishable under Section 409, 420/ 34 of Indian Penal Code.
2. As per the prosecution case, the applicant who was managing M/s. Matritwa Mini Rice Mill had received the paddy for the custom milling from 31.12.2013 and against the collection of 16,569.93 quintal, 11,185 quintal rice was to be deposited but the applicant alongwith other co-accused had deposited only 7,502.79 quintal rice; thereby total 3,599.02 quintal rice were not deposited which amount to Rs.73,03,985/-. Therefore, the offence has been committed.
3. Learned counsel for the applicant would submit though the ownership of the Mill was registered in the name of present applicant but the entire transaction was being done by Lokesh Kumar Gupta and on that ground one of the co-accused Vishnu

Gupta has been enlarged on bail by this Court on 16.11.2016 in MCRC No.5551 of 2016. He further submits that the charge sheet has been filed 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, however, he is not able to dispute the fact that the similarly placed co-accused Vishnu Gupta has been enlarged on bail.
5. Perused the case diary and the documents. Considering the fact that the charge sheet has been filed and the other similarly placed co-accused Vishnu Gupta against whom the similar allegations are leveled has been enlarged on bail on 16.11.2016 in MCRC No.5551, I am inclined to release the present applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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 her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge