

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8287 of 2016

1. Ashutosh Sharma S/o Devendra Nath Sharma Aged About 33 Years R/o C - 1, C -2, 63, M. P. Nagar, Niharika, Korba Police Station Rampur, Korba District Korba Chhattisgarh
2. Surendra Nath Sharma S/o Late Murathnarayan Sharma Aged About 58 Years 237, R/o Indu Nivas, Kosabadi Korba District Korba Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Its Police Station Incharge Khamtarai, Raipur District Raipur Chhattisgarh

---- **Respondent**

For Applicants : Mr. Suresh Kumar Pandey, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-12-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 11-09-2016 in connection with Crime No. 139 of 2016, registered at Police Station Khamtarai, Raipur (CG) for the offence punishable under Sections 420, 407, 409, 419, 467, 468, 120-B of IPC.
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 13-8-2016 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 Udes Shankar to Niles, Rakesh Agrawal, Vimal Sultania, Mutykesh Agrawal and present applicants. It is alleged that while such aluminum was sold, present applicants were negotiated as commission agent and thereby the present applicants along with truck drivers in connivance with each other have committed the offence.

3. Learned counsel appearing for the applicants would submit that the applicants have purchased the goods for valuable consideration of more than Rs.50 lakhs, though the other purchasers have compromised, present applicants, who are owners of Indo Foils Pvt. Ltd., have not committed main offence. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 11-9-2016 and no further investigation is required, therefore, they 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 memorandum statements of the present applicants. Considering the nature of allegations, it appears that the applicants were purchasers of the goods for consideration.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants, considering the fact that the applicants are bona fide purchasers of the goods and further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 11-9-2016, this court is inclined to release the applicants on bail.
8. 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

