

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6692 OF 2017

1. Smt. Indu Jaiswal, W/o Shri Sanjeev Jaiswal, aged about 35 years
2. Sanjeev Jaiswal, S/o Late Shri Mewalal Jaiswal, aged about 44 years
Both R/o Transport Nagar, opposite BJP Office, Police Station
Transport Nagar, District Korba (C.G.) Originally R/o Village Harauwa,
Tehsil Pendra, Police Station Badagaon, District Banaras (U.P.)

... Applicants

versus

State of Chhattisgarh, through Station House Officer, Police Station-
Pathariya, District Mungeli (C.G.)

... Respondent

For Applicants	:	Mr. R.S. Marhas, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicants who are in jail since 3.8.2017 in connection with Crime No.272/2016 registered at Police Station- Pathariya, District- Mungeli, for the offence punishable under Sections 407, 420, 120-B/34 of IPC.
2. Case against the Applicants as per the prosecution is that the Applicants are the owner of a Truck, bearing registration No. CG12-S-3512, which was attached to Beniwal Logistics. On 17.3.2015, the said Truck was sent from Sargaon to North Lakhimpur (Assam) and en route the said Truck is said to have got disappeared and the consignment which was intended to be transported also had got lost and damaged and subsequently a portion of the consignment was recovered at Jamguri district in Assam.
3. Learned Counsel for the Applicants submits that initially the police authorities did not find the Applicants at fault and they did not make them accused, but subsequently on a complaint being lodged under Section 156(3) of CrPC by Beniwal Logistics, the case has been registered against the Applicants.

4. Learned Counsel for the State however opposing the bail application submits that there appears to be a great amount of suspicion on the activity of the Applicants in the commission of the offence and thus prayed for the rejection of the bail application.

5. Considering the facts and circumstances of the case, particularly the admitted factual position that initially the police authorities did not frame the Applicants as accused and they have been made accused subsequently on a complaint made under Section 156(3) of CrPC and that apart from there being a suspicion, there is no prima facie material available in the case diary with which the Applicants can be said to have been involved in the commission of the offence, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicants.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge