

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 986 of 2017

- Khushraza Khan S/o Shri Kismat Hussain Khan, Aged About 30 Years R/o Room No. 407, B Building, Rafi Ahmad Kidawai Road, Police Station Wadala, District, Mumbai, Maharashtra. Presently Residing At- Village Chhatauna, Mandir Hasaud, Raipur, District Raipur, Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Mahasamund, Tehsil & District Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vaibhav P. Shukla, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.03.2017

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. 195 of 2015 registered at Police Station Mahasamund, Distt. Mahasamund (C.G) for the offence punishable under Sections 407, 467, 468, 471, 420, 34 & 120-B, 411, 379 of IPC.
2. As per the prosecution case, certain furnace oil of HPCL was to be transported from their depot of Mandir Hasaud to Jindal Steel Plant at Raigarh. For transportation of such material, different companies were engaged. One of the transport company so engaged by the HPCL is Rubi Enterprises wherein the present applicant was working as manager and the said transport Company was owned by Afzal Hussain. It is alleged that though the furnace oil was loaded at the Depot of Mandir Hasaud but during such transportation it did

not reach to the destination and in the mid way, the oil was being exchanged by the driver on the instructions of owner and other employees.

3. Learned counsel for the applicant would submit that the applicant was manager of Rubi Enterprises and Transport which is owned by Afzal Hussain and the applicant has no authority to decide the destiny of the vehicle and he has only followed the instructions of the owner. He referred to the M.Cr.C. No. 8669 of 2016 and submits that accused Deepak Kumar who was Manager of the Mandal Oil Carrying Company has been enlarged on bail by this Court on 16.01.2017 and the case of the present applicant is also akin to him. He further submits that no statement of account of the present applicant has also been seized by the prosecution which would show that no offence has been committed.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the charge sheet filed before the Court below which contains voluminous documents. Learned State Counsel is unable to show that the bank account book of the applicant was seized wherein it is alleged that the amount was transferred.
6. Considering the totality of facts and circumstances of the case more particularly the fact that the applicant is Manager of the Company wherein the amount is alleged to be deposited and looking to his long pretrial detention as he is stated to be in jail since 24.05.2015, 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

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