

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1502 of 2017

1. Ramesh Parida . S/o Late Shri Bholanath Parida Aged About 40 Years (Wrongly Mentioned In The Order Sheet As Ramesh Chandra Pareda, S/o Late Shri Bholanath Pareda), R/o Rajiv Nagar Nakta, Police Station Mandir Hasaud, Civil & Revenue District Raipur, Chhattisgarh.
2. Tullu Parida, S/o Shri Jatadhari Parida Aged About 28 Years (Wrongly Mentioned In The Order Sheet As Tullu Pareda, S/o Shri Jatadhari Pareda), R/o Rajiv Nagar Nakta, Police Station Mandir Hasaud, Civil & Revenue District Raipur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Mandir Hasaud, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mayank Chandrakar, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-03-2017

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 on 9-2-2017 in connection with Crime No. 38 of 2017, registered at Police Station Mandir Hasaud, Raipur, District Raipur (CG) for the offence punishable under Section 285 of IPC and Section 3/7 of the Essential Commodities Act, 1955.
2. Case of the prosecution, in brief, is that on 8-2-2017 on raid being conducted, from the possession of the applicants and other co-accused namely Pratap Parida, 2000 liters of diesel and 150 liters of petrol and 150 liters of kerosene oil were recovered and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, main accused is

absconding. Applicant No.1 is patient of HIV which is evident as per document enclosed along with bail petition. He would further submit that seizure has already been made, charge-sheet has been filed in this case, the applicants are in jail since 9-2-2017 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 documents. It appears that seizure has already been made and applicant No.1 Ramesh Parida is suffering from HiV ve+
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that the applicant No.1 is suffering from HiV, seizure has already been made in this case, the applicants are in jail since 9-2-2017 and further considering the medical condition of the applicant No.1, this court is inclined to release the applicants on bail.
7. 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju