

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4417 of 2017**

Purushottam Patel S/o Shri Babulal Patel, Aged About 19 Years R/o
 Khairwarpara, Khutaghat, Ratanpur Police Station Ratanpur, Post
 Office Garhwat Tehsil Kota District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Ratanpur, District
 Bilaspur Chhattisgarh

---- Respondent

MCRC No. 4420 of 2017

Riyazuddin S/o Shri Wajul Shah Aged About 28 Years R/o
 Khairwarpara, Khutaghat, Ratanpur Police Station Ratanpur Post
 Office Garhwat Tehsil Kota District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Ratanpur, District
 Bilaspur Chhattisgarh

---- Respondent

For applicants	Mr. Salim Kazi, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8-8-2017**

1. As both the above MCRCs arise out of the same crime number and incident, hence they are being disposed of by this common order.
2. Heard the matter finally.
3. The applicants have preferred this application for grant of bail as they are arrested on 6-6-2017 in connection with Crime No. 159/2017 registered in PS Ratanpur Distt. Bilaspur (CG) for offence punishable under Section 41 sub-section (1)(d) read with Section 379/34, 411/34 of the Indian Penal Code, 1860, Section 3 and 7 of the Essential Commodities Act, 1955 and Section 23

of the Petroleum Act, 1934. After investigation, police has filed charge sheet which is pending before the JMFC, Kota, Distt. Bilaspur but learned counsel is not aware of the criminal case number. Police filed charge sheet against 3 accused persons. Present applicants Purushottam Patel, Riyazuddin and one Asma Khatun. Co-accused Asma Khatun has been granted bail by the 5th Additional Sessions Judge, Bilaspur. Both the applicants are first offenders. As per allegation, applicant Purushottam and other co-accused Asma Khatun were without any authority illegally selling diesel received dishonestly or stolen from other vehicles. Applicant Riyazuddin who was driver of a trailer poured diesel from his trailer in a drum kept in a Maruti van. During investigation, from the applicant Purushottam, one unnumbered Maruti van, total 90 litre of diesel has been seized along with sale proceed of Rs. 320/- and also from co-accused Asma Khatun, 100 litre diesel has been seized. The applicants are in custody since long. They will not commit any offence in future. Trial may take some time. They may be enlarged on bail.

4. Per contra, learned State counsel opposed the arguments advanced on behalf of the applicants and submits that being driver of the trailer it was the duty of applicant Riyazuddin not to give said diesel illegally to other co-accused after taking illegal gratification and looking to the fact that co-accused Purushottam was engaged in illegal sell of diesel, both the MCRCs may be dismissed.
5. Perused the entire matter.
6. As both the applicants are in custody since 2 months and 2 days till date, charge sheet is filed, trial may take some time, looking

to the quantity of the diesel so seized in the matter, co-accused Asma Khatun has already been granted bail by the Court of Session, both the applicants are not involved earlier in any other offence as per case diary, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Kota for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.

7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. A copy of this order be placed in the file of MCRC No. 4420/2017.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge